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A Short
TREATISE
TOUCHING
SHERIFFS
Accompts.

Written by the Honourable
Sir MATTHEW HALE, K^c
Sometime Lord Chief Justice of His Ma-
jesty's Court of *King's-Bench*.

To which is added,
A Tryal of WITCHES,

At the Assizes held at *Bury St. Edmonds*, for the
County of *Suffolk*, on the 10th of *March*
1664, before the said *Sir Matthew Hale, Kt.*

L O N D O N,
Printed for *D. Brown, J. Walthoe, and M.*
Wotton. 1716.

THE
SHEPHERD
Accomplices

Written by the Honorable
SIR ALFRED WATKINS
Bart. and Esq. of the Middle Temple
Esquire at the Court of King's Bench



LONDON
Printed and Sold by J. WATKINS and A.
WATKINS, at the Court of King's Bench

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FOR
The Right Honourable
THE
LORD HIGH TREASURER
OF
ENGLAND,
And the
CHANCELLOR
Of the
EXCHEQUER.

ACcording to my Promise to you Lordships, I have given a large Historical Narrative of the Sheriffs Acccompts for the Annual Revenue of their Countries: Wherein some things may occur that may be useful to the understanding of the Sheriffs Acccompts, and many other old obscure
A 2 Records,

The Epistle Dedicatory.

Records, and some things incidently opened, that have been formerly obscure and scarce intelligible, yet fit to be known. Some things also relating to the difference between the Auditors of the Revenue, and the Officers of the Pipe. There may be some Mistakes of my own, I confess, in a Matter of so great intricacy, perplexity and obsoleteness, which I could not easily correct, in the Country, because many of my Papers are at *London* that concern this Business, and, I fear, hardly to be retrieved into a due order, in regard of the late distraction. And here may be some Mistakes in the Transcriber, which at this distance I could not examine. But, possibly, notwithstanding these Mistakes, Your Lordships may find something that may be useful, and when I wait upon you, I shall review and correct.

Your Lordships

humble Servant.

L.



A Short
TREATISE
Touching
Sheriffs Accompts.

C H A P. I.

*Touching the Ancient and Modern
Weight and Allay of Sterling Silver.*



T will be necessary for the better understanding of Sheriffs Accompts, especially in the elder times, to examine these matters, viz.

I. Touching the Denomination, Weight and Allay of Sterling Money, the Corruptions thereof in both, and the Remedies

dies that have been formerly applied for the reformation of these Corruptions.

II. Concerning Firmes, their nature, and how they were answered in former times. The first shall be the subject of this Chapter, the second the subject of the next.

Concerning the former of these, I shall apply my self singly to the business of Silver Coin, because that was the usual Species wherein the King's Firmes were commonly answered.

And first concerning the Coin of Silver, there are these things considerable therein.

1. The Authority or Power that gives it its Stamp, Weight, Denomination and Value.
2. The Matter of it.
3. The Weight and Denomination.

As concerning the first of these, it is, without all question, the inherent Regality and Prerogative of the Crown, to give the Currentness, Allay, Weight, Denomination and extrinsick Value to the Coin of this Kingdom: and as it is a part of his Regality and Prerogative, so it is a part of his Regal Revenue, which is called the King's Seigniorage, or Royalty, or Coinage, viz. ordinarily, on every pound weight of Gold, the King had for his Coin 5s. out of which he paid to the Master of the Mint, for his work, sometimes 1s. sometimes 1s. 6d. Upon every pound weight of Silver, the Seigniorage, or Coinage, answered to the King, in the time of King Edm. 3. was 8 peny weight, *pondere*, which about that time amounted to 1s. out of which he paid sometimes 8d. sometimes 9d. to the Master. In the

the time of *H. 5.* the King's Seigniorage of every pound weight of Silver was 15*d.* See *Rot. Parl. 9 H. 5. pars 2. N. 15.* although the Authorization, Denomination and Stamp of Coin was undoubtedly the King's Right, yet it appears by *Roger Hamood*, that in the troublesome times of King Stephen, viz. *An. Dom. 1149. Omnes Potentes, tam Episcopi quam Comites & Barones, suam faciebant monetam.* But Henry the second coming to the Crown, remedied this usurpation of the Baronage: *Novam fecit monetam quæ sola recepta erat & accepta in regno.* And since that time, the exercise as well as the right of coining of Money in the Kingdom hath remained uninterruptedly in the Crown. It is true, that by certain ancient Privileges, derived by Charter and Usage from the Crown, divers, especially of the eminent Clergy, had their Mints or Coinages of Money. As the Abbot of *St. Edmunds-Bury*, *Claus. 32 H. 8. m. 15. dorso*: And the Archbishop of *York Claus. 5 E. 3. pars 1. m. 10. 19. dorso*, and some others. But although they had the Profit of the Coin, yet they had neither the Denomination, Stamp, nor Allay: For upon every change of the Coin by the King's Proclamation, there issued over a Mandate to the Treasurer and Barons to deliver a Stamp over to those private Mints to be used. But this liberty of Coinage in private Lords hath been long since disused, and in a great measure, if not altogether, reassumed by the Statute of *3 H. 7. Cap. 6.*

2. Concerning the second, viz. the Matter or Species whereof the currant Coin of this Kingdom hath been made, it is Gold or Silver, but not altogether pure, but with an Allay of

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Copper, at least from the time of King H. 1. and H. 2. though possibly in ancienter times the Species whereof the Coin was made might be pure Gold or Silver; and this Allay was that which gave the Denomination of Sterling to that Coin, viz. Sterling Gold, or Sterling Silver: Wherein there will be inquirable,

1. Whence that Denomination came.
2. How ancient that Denomination was.
3. What was the Allay that gave Silver that Denomination.

For the former of these there are various conjectures, and nothing of certainty.

Spelman supposeth it to take that Denomination from the *Esterlings*, who, as he supposeth, came over and reformed our Coin to that Allay. Of this Opinion was *Cambden*, *A Germanis, quos Angli Esterlings, ab Orientali situ, vocarunt, facta est appellatio; quos Johannes Rex, ad Argentum in suam puritatem redigendam, primus evocavit: Et ejusmodi nummi Esterlingi, in antiquis scripturis semper reperiuntur.* Some suppose that it might be taken up from the *Starre Judæorum*, who being the great Brokers for Money, accepted and allowed Money of that Allay, for currant payment of their Stars or Obligations. Others from the impression of a Sterling, or of an Asterisk upon the Coin. *Par ceo que le form d'un Stare, dont le diminutive est Sterling, fuit impressé ou stampé sur ceo.*

Auters, par ceo que le primer de cest Standard fuit coyné en le Castle de Sterlin in Scotland par le Roy Edw. 1. And possibly as the proper name of the fourth part of a Penny was called a Farthing, and ordinarily a Ferling; so in truth the proper name of a Penny in those times

times was called a Sterling, without any other reason of it than the use of the times and arbitrary imposition, as other names usually grow. For the old Act of 51 H. 3. called *Compositio Mensurarum*, tells us that *Denarius Angliae Sterlingus dicitur*. And because this was the root of the measure, especially of Silver Coin, as will be shewed, therefore all our Coin of the same Allay was also called Sterling, as five Shillings Sterling, five Pounds Sterling.

2. When this name of Sterling came first in is uncertain, only we are certain it was a Denomination in use in the time of H. 3. or Ed. 1. and after-ages. But it was not in use at the time of the compiling of Doomsday, for if it were we should have found it there, where there is so great occasion of mention of Firmes, Rents and Payments.

Standard del mony en French est appel Pied de mony per Bodin, Pes monetarum, quasi Princeps ibi pedem figit.

Matth. Paris mag. Hist. 220. b. In le 12 an. de Roy John le premier standard del English mony fuit establisth en Realm d' Ireland, et fuit equal al primes, & que l' English mony ne fuit au quart part melior in value que l' Irish, come ceo ad estre depuis le temps del Edw. 4. Et fuit change in Ireland come ceo fuit change in Engleterre. Le primer difference & inequality inter les Standards del English monies, & Irish monies est troue in 5 Ed. 4. car donq; fuit declare in Parliament icy que le Noble serra curreant en cest Realm pur 10 s. & issint fuit que l' Irish Shilling forsque 9d. Dengetre.

Hovenden in Rich 1. fol. 377. b. *Widens igitur Galfridus Eboracensis electus, quod nisi mediante pecunia*

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pecunia amorem Regis sui nullatenus habere possit, promisit ei tria millia Librarum Sterlingorum pro amore ejus habendo. Que fuit devant le temps del Roy John; pur que semble que le temps quant cest money fuit primerment coin est uncertain. Car ascuns dient que fuit fait per Osbright un Roy de Saxon race 160 ans devant le Norman conquest. Nummus a Numa que fuit le primer Roy que fesoit moneies en Rome. Issint Sterlings, alias Esterlings, queux primes fesoient le money de cest Standard en Engleterre.

3. As touching the Allay that is by use and custum fitted to that Money which we call the Sterling, or Sterling Allay; perchance we shall not find that constancy in the Allay as is generally thought.

The Sterling Allay of Gold, according to the Red Book of the Exchequer is this. The Pound weight of Gold consists of twenty four Charats, every Charat weighing half an Ounce of Silver; and every Charat of Gold consists of four Grains, and consequently every Grain of Gold weighing thirty of these Grains which we call Silver Grains, whereof hereafter.

In the the time of *Edw. 3.* the Pound of Sterling Gold consisted of twenty three Charats, three Grains and a half of pure Gold, and half a Grain of Allay of Copper.

The Sterling Silver, as it seems to me, in former times had an Allay differing from what it is at this day. At this day a Pound weight of Silver (*viz.* 12 Ounces to the Pound, or Troy weight) consists of eleven Ounces two Penny-weight of fine Silver, and eighteen Penny-weight of Allay of Copper: Every Pound containing twelve Ounces, and every Ounce divided into 20 parts

parts called twenty Penny-weight : For at that time 20 Penny-weight weighed one Ounce, which though the Penny-weight be altered, yet the Denomination continues. And this Allay was in use in the forty sixth year of King *Edw. 3.* and for some time before, and hath continued ever since.

In the Treatise of Money in the Red Book of the Exchequer which seems to be written in the time of *Edw. 3.* for it mentions the Indentures of the Mint in 23 *Ed. 3.* it is said the use was then that in every pound weight of Sterling Silver there was sixteen Penny-weight of Allay: The consequence whereof is, that the Pound of Sterling Silver then contained eleven Ounces four Penny-weight of fine Silver, and sixteen Penny-weight of Copper.

And it should seem by what follows in the Chapter, that in the time of *H. 2.* the Allay of Copper in Sterling Silver was less than that: For upon every Pound weight of Silver Money they used to allow 12 Penny-weight *ad dealbandam firmam*; which seems to be the remedy for the reduction of the Money then currant into fine Silver, *sed de hoc postea.*

But at this day, and for very many reasons, the Allay of Sterling Silver hath been 18 Penny-weight of Copper allowed to 11 Ounces 2 Penny weight of fine Silver; thereby making up the Pound weight Troy of Sterling. *Vid. Indentures of the Mint, Claus. 46 Ed. 3. m. 18. Dors. Claus. 1. H. 5. m. 35. Dors. Claus. 4. Ed. 4. m. 20.* And this I take at this day to continue the Standard of Sterling Silver

23 E. 1. *Per special ordinance del Roy les Pol-lards & Crockards fueront decrie & adul, quel ordinance fuit transmit in Realm d'Ire. and & en-rol*

rol en Exchequer icy, come est troue in Libro rubro Scaccarii, ibid. pars 2. fol. 2. b.

En temps E. 1. Denarius Angliæ, qui nominatur, Sterlings, rotundus sine tonsura, ponderabit triginta & duo grana in medio spicæ.

Dy. 6. & 7 Ed. 6. Sterlings & Denarius sont tout un. Le Shilling consistoit de 12^e Sterlings. 25 E. 3. cap. 6. Le substance de cest denier ou Sterling Peny al primes fuit vicesima pars uncia. Et issint continue tanq. 9 E.

Rastal Mo- 3. quant l' ounce del Silver fuit tallie in 26 pence
ney. 345. que proportion fuit continue tanq. 2. H. 6. quant l' ounce del Silver fesoit 32 pence. Et cest insq; al 5 E. 4. quant fesoit 40 pence. Et cest insques 36 H. 8. quant il prepare son journy al Bulloigne & donq; fuit divide en 45 pence. Que continue insques al 2 El. quant l' ounce de pure Silver fuit tallie en 60 pence, & cest Standard remain a cest jour.

Davis 24

Et qualibet libra de sterling avoit 18d. ob. d' allay de Copper, & nient plus. Et cest allay de sterling Mony les Ordinances ou Statutes de 25 E. 3. cap. 13. & 2 H. 6. cap. 13. font mention. & est contein en tous Indentures fait enter le Roy & les Maisters del Mint.

C H A P. II.

Concerning the Weight of Coin, and the Difference therein, with regard to the Denomination of Coin.

THE Pound weight of Gold, though it were the same with that of Silver, yet is made up of smaller parts of a different Denomina-

mination, every pound weight consisting of 24 Charats, and every Charat consisting of 4 Grains

The Pound weight of Silver is subdivided into parts of another Denomination; for every Pound consists of 20 Penny-weights, and every Penny-weight of 24 Grains. This appears by the Books and Records above mentioned. *Et tous susdits moneyes d'argent issint faites serront dallay de Standard de veil Esterling: Cest ascavoir que chescun leivre d'argent de cestes moneyes de poize tiendra vnze ounces & 2d. de poize d'argent fine, & 18d. de poys dallay, chescun penny weight contenant 24 grains.*

So that every Charat in the Pound weight of Gold equals half an Ounce of Silver; and every Grain of Gold, the fourth part of a Charat, equals 60 Grains of Silver weight.

In that old Ordinance, before mentioned, called *Compositio Mensurarum* 51 H. 3. it is said, *Per ordinationes totius Regni Angliæ sit una mensura Domini Regis composita, viz. quod Denarius Angliæ, qui nominatur Sterlingus, rotundus sine tonsura ponderabit triginta & duo Grana frumenti in medio spicæ; & viginti Denarii faciunt Unciam; & duodecim Unciæ faciunt Libram, &c.*

But these thirty two Grains in the middle of the Ear of Corn, are the natural Grains, which were the weight of the then English Sterling Penny. But for the better accomodation of Accompts, these 32 natural Grains are reduced to 24 artificial Grains, which, from very ancient time unto this day are the common measure of the Penny-weight, as the 20 Penny-weight is the measure of an Ounce.

Having thus stated the artificial weights of Gold, and Silver, especially the latter, I shall proceed

proceed to the comparison that now and anciently stands between these artificial weights and the Coin of Silver.

It is very plain that in the latter end of *H.* 3. and the beginning of King *Ed.* 1. and for a long time before, twenty Pence of Sterling Money did weigh an Ounce, and twelve times twenty Pence or twenty Shillings did then weigh a Pound Troy weight: And accordingly as twenty Penny-weight was then an Ounce, and so called, so two hundred and forty Pence, or twenty Shillings was a Pound weight, and so called, *viz. Libra Argenti.* And although at this day the Penny and the 20 Shillings of Silver is much altered in their true weight, yet the Denomination is still retained. The Ounce is commonly divided and estimated by 20 Penny-weight, and 20 Shillings is called *Libra Argenti.*

In the time of King *Edw.* 1. (as appears) an Ounce of Sterling Silver made 20 Sterling Pence, and consequently a Pound of Sterling Silver made 240 Pence Sterling. But process of time hath made a great alteration between the Weight and extrinsick Denomination or Value of Money.

In 46 *E.* 3. it appears by the Indenture of the Mint that a Pound of Sterling Silver made then 300 Sterling Pence. *Claus.* 46. *E.* 3. *m.* 18.

And afterwards in 1 *H.* 5, the reduction of Coin was such, that a Pound weight of Sterling Silver made 360 Pence Sterling. *Claus.* 1 *H.* 5. *m.* 25. *dorso.* Which made the Pound weight of Silver to contain 30 Shillings, and deducting 1 Shilling for Coinage, the Merchant had

29 Shillings for his Pound of Silver brought into the Mint.

In the 4th year of *Ed. 4.* the Pound of Sterling Silver yielded 33 Shillings, *viz.* about 396 Pence in the Pound: And consequently 33 Sterling Pence then made the Ounce of Silver. *Claus. 4. E. 4. m. 20.*

At this day the Ounce of Silver Coined contains 5 Shillings, or 60 Pence: And consequently the Pound weight of Coined Silver yeilds 60 Sterlings, or 720 pence. So that at this day the extrinsical Denomination or Value of Money in proportion to its Weight, is three times higher than it was in the time of *E. 1.* And thus much shall suffice touching the second Enquiry.

C H A P. III.

*Touching the Corruptions of Money,
and the Remedies anciently used in
relation thereunto.*

BY what hath been before said it appeareth, the two special Requisites of the currant Coin of this Kingdom are,

I. That it be of the true Standard in relation to its weight.

II. Of the true Standard with relation to its Allay: And proportionably to these two Requisites are these Defects, which have happened in Moneys in modern and ancient times, *viz.*

I. The

1. The defect in the due weight of Money which happened sometimes by counterfeiting the Sterling Money, though with a weight below the Standard. Sometimes by clipping, or otherwise impairing the weight of true Money.

2. The defect in the due Allay: viz. overcharging the fine Silver or Gold with an Allay of Copper more than the Standard, which happened sometimes by the deceit or ignorance of the Officers of the Mint, and sometimes by the counterfeiture of the Coin of *England*.

And by these practices the King's Exchequer (into or through which the most of the Money of the Kingdom successively came) was many times surcharged with such defective Money, and the King thereby deceived in his Firmes.

And therefore in ancient times there were successive Experiments made by the Officers of the King's Revenue for the discovery and avoiding of these defective Monies, and that his Rents might be answered in Money of a just weight and Allay; which, for the better understanding of ancient Records, remain here to be explicated, viz. *Solutio ad Scalum*, *Solutio ad Pensum*, and Combustion, or tryal by fire. The two former being such Remedies as related to defective Weight, and the latter being the Remedy that relates to defect in the Standard of Allay. And, touching this business, although we have very frequent mention of them, in the Pipe-rolls especially, yet the best, and contemporary exposition of them is *Gervasius Tilburiensis*, or the Black Book of the Exchequer, written in the time of *H. 2.* who gives us the Accompt thereof in his first Book, Cap. *A quibus, & ad quid inventa fuit*

fuit Argenti examinatio, who thus expounds it.

1. *Solutio ad Scalam*, viz. *præter quamlibet Libram numeratam sex Denarios*, which it seems was agreed upon a *medium* to be the common Estimate or Remedy for the defective Weight of Money, thereby to avoid the trouble of weighing the Money which was brought into the Exchequer. And this is the meaning of that frequent expression in the ancient Pipe-rolls *In Thesauro 100l. ad Scalam*, which seems to be one hundred Pounds, and one hundred Sixpences, or fifty Shillings.

2. *Solutio ad Pensum*: Which was the payment of Money into the Exchequer by full weight, viz. that a Pound, or 20s. in Silver, *numero*, or by tale, should not be received for a Pound unless it did exactly weigh a Pound weight Troy, or twelve Ounces, and if it wanted any, that then the Payer should make good the weight by adding other Money, although it amounted to more or less than 6d. in the Pound, (which was the *Solutio ad Scalam*, as before is mentioned.) And thus frequently occurs in the Pipe-rolls, *In Thesauro 100l. and pensum*, or full weight.

3. Combustion or tryal by fire: which is by *Gervase* supposed to be set on foot by the Bishop of *Salisbury*, then Treasurer, (though in truth it were much more ancient, as appears by frequent passages in the Book of Doomsday) and the Author gives the reason: *Licet enim numero & pondere videretur esse satisfactum, non tamen materia. Consequens enim non erat ut si pro Libra una numerata 20 Solidos, etiam Libra ponderis respondentis consequenter Libram solvisset:*

B

Argentum

Argentum enim Cupro vel quovis Aere solvisset. And thereupon ensued the constitution of examination of Money at the Exchequer by Combustion. Whether this examination was to reduce an equation of Money only to Sterling, viz. a due proportion of Allay with Copper; or to reduce it to fine and pure Silver, and to make the estimate of the Pound or *Libra Argenti*, reserved of their Firmest to be in pure Silver, and without Allay, doth not so clearly appear. Some think the former; and therefore that the old expression of *Firma alba*, blank Firm, and *dealbare Firman*, was nothing else but Coin melted down and reduced to the Allay of Sterling, and after blanched, or whited, as is done by the Monyers with their Sterling Coin of Silver, which is to this day called blanching. *Vid. Spelman intit. Firman dealbare.* But yet it may seem, by what ensues, that it was to reduce it to fine Silver, and to the estimate of the Pound, or *Libra Argenti* accordingly; for it is evident by what follows, that the difference between a Pound, or *Libra Argenti numero*, and *Libra Argenti blanch*, was 12 Pence in every Pound: Which possibly might be that the allowed Allay of Copper in the Sterling Silver was then twelve Pence weight of Copper in the Pound of fine Silver, whereas it is now 18 Penny-weight in the Pound. This tryal of Silver by Combustion, in those elder ages soon prevailed and obtained against the former reductions *ad Scalam*, & *ad Pensum*, as being the only infallible tryal of the truth of the Metal, whereby the former reductions of *Pensum* and *Scalam* became in time antiquate.

And

And this begat the distinction in the old Rolls of the estimate of Money *Numero*, and the estimate *Blanc*: and in pursuance thereto the reservations of Rents and Firmes by the King were sometimes *Numero*, and sometimes *Blanc*.

The reservations of Rents *numero* were no other but so much Money reserved in *Pecuniis numeratis*: as *reddendo quinque Libras numero* was fivescore Shillings, which amounted in common estimation to five Pounds Troy weight: And this was the ancient and usual reservation, and, *prima facie*, unless the contrary were expressed, upon all Grants of Lands (reserving so much Rent) it was intended *numero*; that is, so much in Money numbred, and the Firmor was not bound *dealbare Firmam*, or to make good so much in fine Silver, or, if you will, in such Silver as was of the first Allay.

The reservation of so much Money, or so many Pounds *blanc* did enforce the Firmor to make good to the King so much in fine Silver, (or at least in the purest Sterling) and therefore such Firmor, when he paid in his Firme upon such a reservation *blanc*, was bound *dealbare Firmam*, which was to submit his Money to the test of the Fire; and to answer his Money, and make it good in fine Silver according to the reservation, or to pay in allowance thereof that rate which was the ordinary measure of reduction of it to fine Silver, which was 12 *d.* for every Pound as shall be shewed.

And hereupon grew the common difference which is everywhere mentioned in the Pipe-rolls of Firmes *numero*, and Firmes *blanc* or *alb. Firme*.

This difference of these Firmes is expound-

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ed by the Black Book of the Exchequer, *Lib. 2. Cap. Quid sit quosdam fundos dari blanc, quosdam numero, viz.* that if a Firme or Tenement were let by the King generally, without expressing *blanc* or *numero*, it was to be answered only *numero*, unless specially reserved *blanc*, (*viz. 5s. blanc.*) But if a Royalty or Franchise were only granted, then the general reservation of so much Rent, was to be *blanc* Rent. Porro, *Firmam numero dari diximus cum tantum numerando, non examinando ipso satisfi.* Cum ergo Rex *Firmam* alicui contulerit, simul cum *Hundredo vel placito* quæ ex hoc proveniunt, *Firma dealbari dicitur: sin simpliciter fundum dederit (non determinans cum Hundredo vel blanc,) numero datus dicitur.* And from this diversity of the Rents arising in any County (some *blanc* only, some *numero* only, some in both) arose the diversity in the titling of the Sheriffs Aecompts, *viz.*

Firma de remanente Comitatus post terras datas blanc: Which was applicable to those Rents of his County, which were answered in fine Silver reduced to the test by combustion, or with an allowance of 12d. in the Pound in compensation of it.

Firma Comitatus numero, was his Firme for those Rents of his County which were only answered in Money numbred, without reducing them to their fineness by Combustion, or any satisfaction for it: But of this more fully in the ensuing Chapter.

I have before mentioned that when any Firme was reserved or answered *blanc*, the Money was to be melted and answered in fine Silver, or at least to Silver allayed to right and fineness.

finest Sterling; or else he was to redeem himself from that trouble by payment of 12d. in the Pound: So that that Person upon whom there was reserved 5*l. blanc.* was to pay 5*l. 5s.* if he would not have his Money melted down and made good in fine Silver (or at least in true Sterling.) And this appears to be true by infinite Records: Take two or three for instance.

*In compoto cum Northampton, 21 H. 3. Summa totalis 102*l.* 3*s.* 7*d.* de qua 4*l.* 9*s.* 4*d.* blanc. quæ sunt extensæ ad 4*l.* 13*s.* 9*d.* subtrahuntur ad perficiendum corpus Comitatus & remanet 97*l.* 13*s.* 10*d.* de quibus respondet de proficuo in magno Rotulo.*

Claus. 13. H. 3. m. 2. Sciatis quod perdonavimus dilectæ Sorori nostræ A. Comitissæ Pembroc centum triginta & quinque Libras blanc. quæ extensæ sunt ad centum quadraginta & unum Libras, & quindecim Solidos.

*In Compoto Bedf. & Bucks, 13 E. 3 Nic. Passelew de 18*l.* 4*s.* 4*d.* numero pro 17*l.* 7*s.* blanc.*

In all these the proportion riseth very near, bating the small fragments in Pence, that every Pound *blanc* answered one Shilling over, to reduce it to its value.

And hence it is that at this day the ancient Firmors of Cities, as *London, &c.* which were commonly reserved *blanc*, do pay the same in Sterling Money, and one Shilling for every pound over: As if 100*l. blanc* be reserved, there is answered at this day in the Receipt 105*l.* which as before, makes me suppose that *blanc Firme*, or *dealbata Firma*, was in truth when it was reduced to fine Silver, and not

barely Sterling: for this advance of 12d. in the Pound upon such *blanc Firmes* is still answered though paid in Sterling.

C H A P. IV.

Concerning the manner of answering the King's Firmes antiently.

IN ancient times, *viz.* about the time of *William* the first and *Henry* the second, the reservation of the King's Firmes and Rents were so many Pounds or Shillings, &c. in Money, and they were answered *numero*, or in *Pecuniis numeratis*, until afterward, for the avoiding of corrupt Money, they were reserved in *blanc* or white Money, which, as before is observed, was intended either of pure Silver, (or at least Silver reduced to the Alloy of Sterling) and then whitened or blanchèd, as is used in the Mint to this day, for all Sterling Money: I shall not much contend whether it were the one or the other, but for the most part in this Discourse I shall suppose it fine Silver.

But although Firmes were reserved in Money, as the best and commonest measures of values, yet it appears by *Tilburienfis, Lib. 1. Cap. A quibus & ad quid instituta fuit Argenti examinatio*; that it was in those ancient times of King *W. 2.* and *H. 1.* usually practised that those Firmes should, according to their values be answered in Cattle, Corn and other provisions; which perchance in its first institution

might

might be a convenience to the King, to have his Family furnished with Provisions *in specie*, and to the Country, among whom Money was not then very plentiful, and they could better answer their Rents in Provisions.

And to the end that an equation might be made between the Rents reserved in Money and the Provision delivered by the Tenants in lieu thereof, the same *Tilburienfis* tells us, there were certain prices and rates set upon provisions, that the Tenant might know what to pay, and the King's Officers might know what to receive. As for Wheat for 100 Men 12*d.* for a fat Ox 12*d.* &c. which it seems were delivered to the hands of the Sheriff, who, if he firmed the County, might retain it to his own use; but if he firmed it not, he accompted to the King, for these Provisions or their values, as he did for other rates of the County collected by him.

But as for Cities and Franchises that were granted out to firme, because they had not Provisions of this nature to answer, they paid their Rents in Money.

Thus, it seems, the King's Firmes of Rents of his Firmors and Tenants in the Country, were answered in the time of King *William* the first and *William* his Son. But in the time of *H. 1.* the Tenants were weary of answering their Rents in provisions, and the King's foreign occasions called rather for a supply of Money, and so the Rents were answered by the Tenants as formerly in Money according to the tenour of their reservations, and the delivery of Victual and other Provisions in lieu thereof ceased.

C H A P. V.

Concerning the manner of collecting the King's Revenues of the County, and the several Kinds of them, with their several Titles.

THE Sheriff of the County had a double Office: 1. As a Minister of Justice under the King for the Preservation of Peace, and Writs issuing out from the King's Courts. 2. As the King's Bayliff of his Revenues arising in the County, which was of two kinds.

1. The improving and letting, and sometimes stocking of the King's Demesnes, and such Lands as were seized into the King's hands (other than such as belonged to the Escheator, as Wardships and Escheats.) And hence it is that there are upon the accompts, especially of *Buckingham* and *Bedford*, allowances made to the Sheriff of that County *ut . . . Comitatus*.

2. The second part of his Office was in collecting of the King's Rents of his County, which sometimes he did as *Custos* or Bayly; sometimes *ut Firmarius*, viz. he took the Rents to his own use, and answered the King a certain Firme or Rent at his own peril, whereof more in the ensuing Discourse. Now concern-
ing

ing the kinds of the King's Revenues arising in the several Counties, we are to take notice that they were of two kinds, viz. Annual or Casual.

The Annual Revenue was again of two kinds, viz. Fixed and Certain, or Casual and Uncertain.

The Annual, Fixed and Certain Revenue of the Counties were of these kinds.

1. The King's Demesnes that were in his own hands, or let at Rack-rents to Tenants, whereof I have before spoken, and they make not much for that purpose I aim at.

2. Firmes, which were of two kinds, viz. Gross Firmes which were charged upon particular Persons, or Cities, or Towns, and so charged in the great Roll; as thus, *Philippus d' Aura debet 2 Marc. de reditu unius virgate terre*. And these were thus charged upon these two reasons: 1. Either because they were never parcel of the Sheriffs Firme of this County, (*de quo infra*), but great Firmes written out to the Sheriff to be answered by the persons upon whom they were charged. 2. Or else they were such as happened to be reserved after the Firme of the County was reduced to certainty and answered by the Sheriffs. Or else, Secondly, they were small Rents commonly called Vicontiel Rents; the Particulars whereof we shall enumerate under their several heads in due time.

3. Common Fines, at first imposed upon Townships, upon several occasions, as for *Bon pleder*, for Suit and Ward, for excuse of attending the Sheriffs turn: And these grew in process of time to be fixed and settled Revenues.

And

And these again were of two Sorts; such as came within the Title of *Firma Comitatus*, and were written out under that general Head, viz. *sub nomine Vicecomitis*: And some again were written to the Sheriff in the particular charge of such and such Townships and Lands, and so charged upon the Towns by the express words of the Process.

4. Arrentations of Assarts and Purprestures in Waits and Forests set by Justices in Eyre, which for the most part were written out in charge against the particular Lands upon which they were charged: And some perchance were demanded in a gross Summ, among other small Rents *sub nomine Vicecomitis*.

5. *Crementum Comitatus*, or *Firma de cremento Comitatus*; which were some improvements of the King's Rents above the ancient Vicontiel Rents, for which the Sheriff answered under the title of *Firma Comitatus*. And this *Crementum Comitatus*, or the several small advances of the old Vicontiel Rents, were answered under the title of *Crementum Comitatus*, or *Firma de cremento Comitatus*. But those kinds of Firmes *de cremento* are only found in the Counties of Bedford, Bucks, Norfolk, Suffolk, Warwick, Leicester, Wigorn and Gloucester: Certain other Summs annually charged in gross upon the Sheriff for certain other small or minute Rents under several titles in several Counties; as, *De Cornagio, de Wardis, Castle de Firma, Purprest & Escaet de diversis Firmis, de minutis particulis, Serjancia de t^{is} assert infra divers forest*: All which were charged in gross Summs upon the Sheriff, and *sub nomine Vic.* without expressing

Expressing any particulars, or upon whom they were charged, which because they were not common to all Countries, but varied according to the various usage of several Counties, I shall not at large handle, but shall content my self with the enquiry into those that were the common Charges of the Sheriffs of every several County, viz. the *Corpus Comitatus*, and the *Proficua Comitatus*.

The Vicontiel Rents that made up the Sheriffs Firme of the Body of the County, came under various Titles and Denominations in several Counties, viz.

1. *Reditus Assize in Cumberland, Hertford, Surry.*
2. *Firme & feodi Firme in Cumberland, Northumberland, Nottingham, Stafford.*
3. *Firma antiqua in Huntington.*
4. *Albe Firme in Norf. & Suff.*
5. *Blanch Firmes in Ebor', & Suff.*
6. *Blanc Rents in Kent.*
7. *Albus Cervus in Dorset.*
8. *Auxilium Vicecom' in Cant', Cumbr', Essex, Hunt', Leic', North', Suffex, Warw', Wilts.*
9. *Auxilium ad Turcum Vicecom' in Devon.*
10. *Hidage in Berks, Bedf. Bucks, Oxon.*
11. *Prestatio pro pulchre placitando in Bedf', Bucks.*
12. *Seta & Warda in Bedf', Bucks.*
13. *Visus Franci plegii in Bedf', Bucks, Cant', Hunt', Essex, Hertford, North'ton, Somerset, South'ton, Stafford.*
14. *Certitudines in Berks, Heref', Rutland.*
15. *Certi reditus in Lincoln, Leicester, Somerset, South'ton, Warwick & Wilts.*
16. *Certi*

16. *Certi redditus ad communem finem in Derby, Nottingham.*
17. *Reditus pro Warda castri in Cant', Northum', Oxon, Norf', & Suff'.*
18. *Reditus ad Turnum Hundredi in Dorset.*
19. *Finis antiquus in Essex.*
20. *Finis pro secta Curie relaxand' in Berks & Oxon.*
21. *Communes fines in Glouc', Heref', Hertf', Surry, Suffolc, Salop.*
22. *Fines Aldermannorum in Suffex.*
23. *Turnum Vicecom' in Essex & Hertf'.*
24. *Secta Burg. & Vill. in Cant'.*
25. *Suit Silver in Staff.*
26. *Hundred Silver in Norf'.*
27. *Faith Silver in Staff.*
28. *Pannel Silver in Norf'.*
29. *Ward Silver in Essex.*
30. *Certum lete cum Capitag' in Norf'.*
31. *Leet fee in Suff'.*
32. *Soken fees in Suff'.*
33. *Mott fee in Salop.*

These are the general Titles of those Vicontiel Rents that usually came under the Title of *Firma Comitatus*, which were written generally *sub nomine Vicecom'*, without expressions of the particulars: But the Sheriff that had a particular Roll of these Vicontiel Rents, delivered in that Roll many times upon his Accompts, though not written especially in charge under those names, or in particular by the Summons of the Pipe: And thus much concerning the certain Annual Revenue.

2. The uncertain Annual Revenue was the *Proficuum Comitatus*, which in ancient times

when

when most of the Law-suits were transacted in the Counties and Hundred-Court, was a considerable Revenue. But since that time, viz. about the beginning of *E. 1.* when much of that business was transacted at the great Courts, this profit of the County sunk to very little. And in my enquiry touching this part of the Revenue, I shall first set down what it was not: Secondly, I shall set down what it was, and how it did arise.

1. Touching the former of these what it was not; I say, most clearly it was not that profit which is now the only considerable profit of the Sheriffs employments, viz. the Fees and Perquisites for the execution of Writs, and Process and Execution issuing out of the King's Courts. For,

1. Until the Stat. of 23 *H. 6. c. 10.* there were no Fees at all by Law due for any execution of Process or Warrants for the same. Till the Stat. of 29 *El. 2.* there were no Fees allowed by Law for levying of Debts or Damages: But by the express provision of the Stat. of *Westminster* the first, the Sheriff was bound to execute the King's Process without any Fee, which is no other but a declaration of the Common Law.

2. In no Viscontil Schedule or Accompt of the County that ever I could see or hear of, is there any Accompt for Fees for execution of Process, or any mention thereof.

3. If the Sheriff did in those elder times take any Fees for execution of Writs, there was no colour of reason that he should accompt for that: And if he did take more than a reasonable recompence for his pains, it was
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more than could be justified, and not at all due to the King.

II. But now, as to the Second enquiry, what this *Proficuum Comitatus* was: And it seems very plain that it was made up principally by these particulars, as most evidently appears by divers accompts of Sheriffs in ancient times, when they accompted *ut Custodes* or *Ballivi*, not *ut Firmarii*, viz.

1. The Fines, Issues and Amercements, and other Profits of the County-Courts, which in those ancient times were very considerable, for it held Plea in all Writs that were Vicontiel, directed immediately to the Sheriff out of the Chancery, viz. by Justices; and many times not only personal Suits were removed thither out of inferiour Court-Barons and Hundred-Courts, but also Pleas Real, viz. Writs of Right; and in ancient time many real Actions, especially Writs of Right were determined in the County. And therefore it is frequent in the old Schedules of *Proficuum Comitatus*, especially in *Yorkshire* in the times of R. 1. and King John, such as these, viz. *De J. S. pro licentia concordandi demimark.* *De J. S. pro Warrantia Essonii* 2s. and sometimes a Mark *pro m'a Comitatus*, sometimes 10s. *quia retraxit se*, *Demimark.* *De pretio bonorum per distringas demimark.* *Pro transgressione* 2s. *Pro falso clamore demimark, &c.*

So that it appears in the accompt of 20 *Joannis Regis*, the profits of the bare County-Court of *York* for one half year amounted to 31 *li.* which is more than 100*l.* in a just estimate at this day.

2. The

2. The Profits of the Sheriffs Turns, or the Sheriffs Leets, which had Consuance of matter Criminal, as his County Court was for matters Civil: and the Profit consisted,

1. In Amercements of Sutors that made default.

2. In the Fines and Amercements of such as were convict of offences inquirable in the turn; as Nufances, Bloodshed, Assize of Bread and Beer, &c. and these arose usually to a considerable Sum yearly.

3. The Profits of the Hundred-Courts and Wappentake Courts; the Profits whereof consisted in the Fines, Amercements and other Perquisites of the Hundred-Court, which the Sheriff sometimes took in kind; sometimes he let it to Firme. These Baylywicks of these Hundreds, and with them the Profits and Perquisites of Courts were sometimes let to Firme by the King, and in such cases the Sheriff accompanied *Proficua Ballivatus*, which oftentimes arose to very considerable Sums. In the time of H. 3. the Firmes of the Baylywicks of the Hundreds in *Yorkshire*, beside *Stancliff* and *Strafford*, were let for 100l. 6s. 8d. *per annum*, which was then a considerable Sum, and amounts now in Sterling Money to thrice as much. But as the business and jurisdiction of the Hundred-Courts sunk gradually in their employment, (whereby the Perquisites now do but little surmount the charge of keeping them) so now by the Stat. of 23 H. 6. cap. 10. the Sheriff is restrained from letting the Baylywick to Firme; and most of the Hundreds, at least in many Counties, are disjoined from the County and granted out, some in Fee-farm, and some otherwise, though

though there have been frequent attempts of rejoining them to the Sheriffs by acts of Re-sumption.

And these are the Profits that made up the *Proficuum Comitatus*, for which the Sheriff most commonly in ancient time answered as *Firmarius* at a certain Rent, though sometimes he accounted for it as *Custos* or *Ballivus* as shall be shewn. And I know no other Perquisite that made up the *Proficuum Comitatus* but what is above mentioned; only in Northumberland there were some Castle-gard-Rents that were in truth Vicontiel Rents, and in their propriety and nature belonged to the *Corpus Comitatus*, which yet by constant usage were usually answered among the *Proficua Comitatus*. And thus far concerning the annual Revenue of the County, both Certain and Uncertain, chargeable upon the Sheriffs collection.

2. The Revenue Casual consisted of many Particles under various Heads or Titles, viz. Debts drawn into the Pipe, and thence written out unto the Sheriff. Fines voluntary or compulsory. Seisures of Lands and Compositions, &c. they may be reduced under these three Heads at this day.

1. The Debts written out to the Sheriff from the several Offices, viz. the two Remembrancers, Clerk of the Pipe, &c.

2. The Summons of the Green Wax, written to the Sheriff with the Estreats from the Treasurer's Remembrancers.

3. The foreign Accompts, or Seisures of Lands for Debts or Forfeitures.

As touching escheated Lands and Wardships, they came under the Escheator's charge, and the

the Profits thereof rarely answered by the Sheriff, unless for some few ancient Escheats.

C H A P. VI.

Concerning the manner how the Annual Revenue of the County was usually answered in the ancient times until 10 E. 1.

HAVING shewed what the Annual Profits of the County consisted of, I shall now descend to the manner how it was anciently answered. The Sheriff, as hath been shewn, was the King's Bayly for the collecting of the King's Revenue: And touching the manner of his collecting and answering them, and therein principally concerning those two great parts of the Annual Revenue, *viz.* the *Corpus Comitatus*, or when it was in Firme, the *Firma corporis Comitatus*: And the *Proficuum Comitatus*, and when it was in Firme, the *Firma de proficuo Comitatus*; both which shall be hereafter more fully explained.

These Profits were anciently, and are to this day answered at two Terms in the year, *viz.* Michaelmas and Easter.

But to enable the more effectual levying of them, there always issued to the Sheriff before Easter and Michaelmas, out of the Exchequer a Writ called the Summons of the Pipe, which

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had annexed to it the Charge or Sums for which the Sheriff was answerable, viz. those which were charged upon himself *sub nomine Vicecomitis*, and those which are charged upon others. The Form of the Writ is recorded in the black Book of the Exchequer, *Lib. 2. cap. Qualiter fient Summonitiones*; which continue to this day, viz. *Rex Vic' Ebor' Salutem. Vide sicut teipsum & omnia tua diligas quod sis ad Scaccarium nostrum Westm' in Cro' Sancti Michaelis, vel in Cro' Clausi Paschæ, & habens ibi quicquid debes de vetere firma vel nova: Et nominatim hæc debita subscripta.* And then the whole charge is inserted, which commonly began with these annual Revenues, viz.

De Corpore Comitatus

(or if it were in Firme)

De Firma de Corpore Com. 100 bl.

De Numero Comitatus 10

De Proficuo Comitatus

(or if in Firme)

De Firma de proficuo Com. 50

And then the Sum in gross charged upon the Sheriff for divers small Rents, and then afterwards all those Firmes that were charged upon particular persons *seriatim* and in order.

And according to the order wherein they were written out to the Sheriff, accordingly in effect were the Accompts passed, and the Entries made thereof in the great Roll of the Pipe, only the particulars in the Writ was their charge of the Sheriff, unto which he was to give his answer upon his Accompt, and then there are entred his discharges.

And

And this Firme continues there to this day, with such alterations as are hereafter mentioned: And therefore the Ordinance or Statute in *Libro Rubro Scaccarii*, fol. 242. made in 54 H. 3. is nothing else but the stable and fixed method for writing the great Roll, observed both before and since that day.

Primo, *Scribatur Corpus Comitatus*, *deinde Eleemosyne constitute*, & *Liberationes* & *Bri' a prisca Vicecom' sicut semper fuit consuetum*. *Deinde oneretur Vic' de Firmis pro proficuo Comitatus vel de proficuis*: *Deinde scribantur omnes Firme tam majores quam minores*, &c.

And altho the certain *Debet* of the Sheriff could not be known before the finishing of his Accompt, because it could not be known what he levied, and what not; and what he had paid, and what not; (which Accompts was not until the end of his year) yet it seems there was anciently an estimate what this constant charge of the annual Revenue amounted unto, and what the constant allowances amounted unto, according to a *medium*, or possibly according to those Firmes and gross Sums which were charged immediately upon the Sheriff *sub nomine Vicecomitis*; and these Sums were paid into the Exchequer at the return of the Writ of Summons of the Pipe, and they were, and are to this day called *Profre Vicecom'*, or the Sheriffs Proffers. And by the Statute of 51 H. 3. called *Statutum de Scaccario*, those proffers are appointed to be paid on the morrow of St. Michael, and the morrow *post Clausum Pasche*; and the payment of these proffers are continued to this day: But altho they are paid, yet if upon the conclusion of the Sheriffs Accompt and af-

ter the allowances and discharges had by him, it appears that he be in surplufage, or that he is charged with more than indeed he could receive, he hath sometimes, and for the most part, all his proffers paid or allowed to him again: and so indeed it is but a mock-payment, a payment kept on foot to maintain the old method of his Accompt, but is in effect but so much Money lent, for he hath it (and justly enough) allowed to him back again: The reason and justice whereof shall be shewn hereafter. And now to return again from whence we digressed, I shall now search out the meaning of these Firmes, *Corpus Comitatus bl.* and *Numerus Comitatus*, and *Firma de Corpore Comitatus*, and *Proficua Comitatus*, and *Firma de proficuo Comitatus*, I mean as they relate to the Sheriffs Accompt, for what the things were is sufficiently discovered before.

Therefore as to the *Corpus Comitatus*, I have already shewn in the precedent Chapter, what it consisted of, viz. the Vicontiel Rents of the County; and they consisted of two sorts of payment, viz. those that were answered in *blanch* Money, and those that were answered in Money numbred. And this ordinarily made two titles of the *Corpus Comitatus* in most Counties, viz. where there were Firmes of these differing natures, and they are then thus noted, viz.

<i>De Corpore Comitatus</i>	100l. bl.
<i>De Numero Comitatus</i>	50

And they were written out thus generally,
without

without expressing the several Vicontiel Rents, but only the gross Sums what they amounted to *blanc*, and what they amounted to *numero*, or *de numero Comitatus*. And the Sheriff upon his Accompt was used to bring in a Vicontiel Roll, containing these particular Vicontiel Rents, what they were and what he had levied.

By this it appears that in the first constitution of this Vicontiel Accompt the Sheriff accounted for these Rents as Bayly or *Custos*, and answered what he levied though they were written out, and stood upon the great Roll all in a lump, and when the Sheriff accounted thus, he accounted as *Custos* or Bayly. But in process of time (but that time being ancient) the Sheriff for the time being took the *Corpus Comitatus* or Vicontiel Rents to Firme, which Firme, for the most part amounted to very near the entire quantity of the Vicontiel Rents. And this Firme in many Counties was very ancient, for we find them mentioned in the Pipe-rolls of the time of King *John* and *R. 1.*

And by this means the Sheriff was to answer at his peril his Firme, for it became his own debt, and he was to gather up the Vicontiel Rents to his own use to make himself a Saver.

The Sheriffs Commission hereupon was with the reservation of the Firme, and although we have not memorials of all those reservations, yet of some we have.

Inter Communia of 19 E. 1. Bedf. Bucks, Rex 16. Jan. Anno. 19. Commisit Will. Turvil Com' Bedf. & Bucks cum pertinent' custodi-

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end' quamdiu Regi placuerit reddendo inde per annum quantum Johannes Palam nuper Vicecomes eorundem reddere consuevit.

And by little and little this grew into a usage, the succeeding Sheriff answering the Firme of the County, and of the Profits of the County as his predecessor had done: Whereby the *Firma Comitatus* and the *Firma de proficuis Comitatus* became as settled Firmes charged upon the Sheriff though there were no expresse reservation of it upon his Patent or Commission of Sheriff.

And because these Firmes were in their first reservation proportioned to the value and nature of those Rents, which now the Sheriff had, as before the King had them, *in specie*; hence the Sheriffs Firme of the County or Body of the County as it was proportionable to the same, answered for the Vicontiel Rents; so it was proportioned to their nature, *viz.* because some of the Vicontiel Rents were in *blanc* Money, the Sheriffs Firme corresponding to that was answered in *blanc* Money: And some of those rents being answered *numero*, the Sheriffs Firme corresponding thereto was answered *numero*.

And by this Accompt the charge both upon the Summons of the Pipe and upon the great Roll, was altered, *viz.* whereas the former Style of the charge was *De corpore Comitatus blanc & numero*, now it was changed, *viz.*

De Firma de corpore Com' 100l. bl.

De numero Comitatus 40

And thus the manner of the charge stood for the times of *H. 3.* and *E. 1.* and for some time before, at least in some Counties: and so it continues

continues to this day with such alterations as shall be shewn.

And as the *Corpus Comitatus* thus by usage grew a *Firme*, or Rent charged upon the Sheriff, so also did the *Crementum Comitatus* in those Counties where such *Crementa* was answered, viz.

<i>De Firma Comitatus</i>	100l.
<i>De numero Comitatus</i>	40
<i>De Cremento Comitatus</i>	10

All being governed by the word *Firma*: For, as I have said, a long letting of these Vicontiels to *Firme*, had brought them to be a settled charge, charged upon, and answered by the Sheriff; and he gathered up the Vicontiels to his own use, to make himself a Saver, and to make good his *Firme*. And thus much concerning the answering and altering of the charges of the Vicontiels, or the *Corpus Comitatus* both before and after it was in *Firme*.

2. As concerning the *Proficuum Comitatus*, the proceeding was much the same as that concerning the *Corpus Comitatus*.

In the ancienter times, when the *Proficuum Comitatus* was at all answered by the Sheriff, it was answered by him, as *Custos* or Bayly upon Accompt: Though in some ancient Pipe-rolls, for some Counties we find no distinct mention of it; as in the Pipe-roll of 19 R. 1. Glouc. *Herbertus reddit compotum de 372l. 14s. 6d. bl. de Firma Comitatus*. The like, *ibid.* 13 Johannis. But very frequently afterwards the Sheriffs, when they had the *Corpus Comitatus*, or the Certain Annual Revenues under a *Firme*,

Firme, yet answered the *Proficua Comitatus* as *Custos* or Bayly: for instance, Pipe-roll 9 R. 1. Bedf. & Bucks, Simon de Bello campo reddit compotum de 369l. 19s. 11d. bl. Et de 79l. 8s. 1d. numero, de Firma Comitatus, without mentioning the *Proficua Comitatus*.

But in the Pipe-roll 25 H. 3. Bedf. & Bucks, Paulinus Pejor, ut *Firmarius reddit compotum* de 369l. 19s. 11d. bl. & de 108l. numero de Firma Comitatum.

Idem Vicecomes reddit compotum de 100 marc' pro proficuo Comitatus.

And Anno 44 H. 3. Alexander Hampden, ut *Firmarius reddit compotum* de 369l. 19s. 11d. bl. & de 108l. numero, de Firma Comitatum.

Idem A. reddit compotum de 220 marc' pro proficuo Comitatus sicut continetur in originali.

And in 51 H. 3. Galfridus Rus ut *Firmarius* de anno 50 reddit compotum de 369l. 19s. 11d. bl. & de 108l. numero de Firma Comitatus.

Idem Galfridus reddit compotum de 180 marc' pro proficuo Comitatus de anno 50. sicut continetur in quodam Rotulo attachiato originali ejusdem anni.

And in the Year following, Edvardus filius Regis primogenitus, Barthol. de Irene Subvicecomes ejus reddit pro eo per breve Regis, compotum de 369l. 19s. 11d. bl. & 108l. numero de Firma Comitatus hoc anno.

Idem E. Vic' non reddit de aliquo proficuo Comitatus quia Rex ei commisit dictos Comitatus respond' inde per annum de antiqua Firma corporis, sicut continetur in originale anni precedentis.

And so in the great Roll of 650 H. 3. Glouc. Reginaldus de Ale de 372l. 14s. 6d. de Firma Com.

Idem

Idem Vicecomes reddit compotum de 80 marc^o pro proficuo Com^o & exit^o ville & nundinorum & Hundredi de Wenham sicut continetur in quodam Rotulo, &c. and so it continued in the time of E. 1.

By which it is evident, 1. That sometime there was nothing at all answered *pro proficuis*; but it was cast into the Firme of the County. 2. That although the body of the County, consisting of a certain yearly Revenue was in Firme, yet oftentimes the *Proficua Comitatus* were not in Firme, but the Sheriff accompted for them *ut Custos*, sometime higher, sometime lower, as the profits arose.

But in process of time the *Proficua Comitatus*, at least in some Counties, fell under a Firme, though in some Counties sooner, in some later; and having once begun to be in Firme, the succeeding Sheriff took it as his predecessor left it; and so it became in time a settled Firme, though not expressly reserved upon the Patent of every Sheriff.

And yet in such cases it was become a settled Firme, by usage and custom; yet when the Sheriff found that his Firme was too great for these profits (which were casual, sometimes more, sometimes less) he was in those elder times admitted to accompt *ut Custos*, without being bound to answer his entire Firme, unless he saw fit. But that was rarely in use after the time of H. 4. and accordingly it seems to be intimated in that ordinance of 54 H. 3. above mentioned, for writing the great Roll of the Pipe, *viz. de Firmis pro Proficuis, vel de Proficuis*. And this shall suffice for the unriddling of the Sheriffs Accompts till the 10 and 11 Ed. 1.

C H A P. VII.

The Second Period of the Sheriffs Accompts, viz. How they stood from 10 E. 1. until 34 H. 8.

WE have in the former Chapter seen how the Statute of the Sheriffs Accompts stood in relation to the annual Revenue of the County, whether Certain or Uncertain, and both stand now reduced under a *Firme*, viz.

1. The *Corpus Comitatus* answered under a *Firme*; partly *blanc*, and partly *numero*.
2. The *Proficua Comitatus* gradually also reduced into a *Firme* intirely *numero*; but with a liberty for the Sheriff to ease himself of the excess of his *Firme* above the profits, by submitting to an accompt of these profits as Bayly or *Custos*.

It fell out in process of time that the Kings of *England* granted away many of those Vicontiel Rents, and the Lands upon which some of them were charged, whereby the Sheriff lost much of what was to make up the *Firme* of his County. And although the Sheriffs, upon shewing thereof upon their Accompts, had an allowance of that which was so granted away, yet it made a trouble and disorder in the Sheriffs Accompts.

And therefore it was necessary to have some provision for the same, but this only
con

concerned that part of his Firme which was of the *Corpus Comitatus*, or the Firme of the Certain Annual Revenue. Therefore by the Stat. of Rutland 10 E. 1. this provision is settled.

Quod non scribatur de cetero corpora Comitatum in Rotulis singulis, quin scribantur in quodam Rotulo annuali per se, & legantur singulis annis super compotum Vicecomitis singula, viz. in singulis Comitatus, ut sciatur si quid nobis possit accidere in quocunque Comitatu. Remanent vero eorundem Comitatum post terras datas scribatur in Rotulis annualibus & onerentur inde Vicecomites. In quibus quidem remanentibus allocentur liberationes, elemosyne, &c. Scribantur etiam in eisdem Rotulis annualibus Firme Vicecomitum, proficui Comitatus, firme Serjantiar' & Assartor', Firme Civitatum, Burgorum & Villarum, & alie Firme de quibus est responsum annuatim ad Scaccarium predictum. Scribantur in eisdem omnia debita terminata & omnia grossa debita de quibus spes est quod aliquod inde reddi possit. Item omnia debita quæ videntur esse clara, titulum de novis oblatiis. Nihil scribatur in Rotulo Annuali nisi ea de quibus est spes, &c. De Firmis vero mortuis & debitis de quibus non est spes, fiat unus Rotulus, & irrotulentur & legantur singulis annis super Compot' Vicecom' & debita de quibus Vicecomes respondebat scribantur in Rotulo annuali & ibi acquietentur.

And by this Act these alterations were made.

I. The state of the yearly Rents which heretofore made up the *Corpus Comitatus* was examined, and it was considered what parts thereof had been granted out by the King, to the end that the Sheriffs Firme of, the body
of

of the County might be abated with respect to those grants; which reduction of the Firme is stiled *Remanentia Firme post terras datas*.

II. The old stile of *Corpus Comitatus* was now put out of the charge; and whereas formerly the Sheriffs charge was *De Firma de corpore Comitatus*, now it was changed, and the charge was *De remanente Firme post terras datas*: And accordingly it was forthwith altered in the great Roll, only when those remaining Rents that were to make good this *Remanentia Firme*, did consist of Rents *blanc*, or of Rents *numero* onely, it was accordingly written, *viz.* in this manner.

De remanente Firme de Com' 100l. bl.
De numero Comitatus 50

III. There was to be extracted out of the great Roll the old Rents that made up the *Corpus Comitatus* and the title thereof, and those Firmes that were *Firme mortue* or *obsolete*, illeivable Firmes, and those debts that were desperate, and the great Roll of the Pipe (which was written every year) was to be disburthened of them, and they were to be transcribed into another Roll called an Exannual Roll.

This Exannual Roll to be yearly read to the Sheriff upon his Accompt, to see what might be gotten: And if any thing appeared to be good, then the same to be recharged again upon the great Roll of the Pipe.

IV. But there was no alteration hereby made of the *Firma de Proficuis*: So that by this Act as in relation to the Firmes and Rents of the County these things were done. 1. Those Firmes or Rents that were wholly granted away, were wholly put out of charge, whether they were assart Rents or Firmes charged upon particular Persons or Land, or that were within the Sheriffs Firme as Vicontiel Rents. 2. If any Vicontiel Rents that made up the Sheriffs *Firma de corpore Comitatus* were granted out, the Sheriffs Firme was abated in respect thereof. 3. If there were any Obsolete or Dead Rents, that were either Vicontiel Rents or charged upon particular Lands or Persons which had not been a long time answered, they together with the *Corpus Comitatus* were removed out of the Annual Roll and transmitted into the Exannual Roll read yearly to the Sheriff, to see whether any hope of levying them: But their writing out in charge in the great Roll suspended till they might be after discovered to be leviabie.

And accordingly presently after the making of this Act, the Firme of the Sheriffs charge in the Summons of the Pipe and the entry thereof upon the great Roll was changed, and this memorial is made upon the Pipe-roll for every County.

Corpus hujus Comitatus non annotatur hic, sed annotatur in quodam Rotulo in quo scribuntur omnia corpora Comitatum Angliæ in manu Regis existentia simul cum Firmis mortuis & debitis quasi desperatis, quæ debent singulis annis legi & recitari super Computum Vic' ut sciatur quid inde accidere possit Regi ex quacunque causa que sunt

in *Theſauro*. In quibus etiam continetur quod inde *Vicecomites* onerentur in compotis ſuis predictis de remanentibus *Firmarum Comitatum* poſt terras datas. Et quod in eiſdem remanentibus allocentur liberationes & *Eleemoſyne* conſtitute & alie al'ocationes ſi quas *Vic*, habuerint per *Br'ia Regis* de eorundem exitibus.

And according to this Act and Memorandum the great Roll was certified: For inſtance, before this Act the great Roll for *Glouceſter* did run thus.

J. F. reddit compotum de 372l. 13s. 6d. blanc: de Firma Comitatus.

But after this alteration it runs thus.

In the great Roll 12 E. 1. *Rogerus de Lockington Vicecomes reddit compotum de 38l. 14s. 11d. blanc. de remanente Firme Comitatus poſt terras datas.*

Idem Vic' reddit compotum de 80 marc' de Firma pro proficuis Comitatus (which was the old *Firme* thereof before 10 E. 1.)

So again in the Pipe-roll 10 E. 1. which was the Accompt of the year next before the making of this Act the Roll runs thus, viz.

Bedr. Bucks, Richardus de Gollington reddit compotum de 319l. 19s. 11d. bl. & de 108l. numero, de Firma Comitatus. Et reddit compotum de 180 marc' de Firma pro proficuo Comitatus ſicut Johannes de Chedley reddere conſuevit. In the Roll next after the making of this Act it runs thus.

Richardus de Gollington Vic' reddit compotum de 17l. 7s. bl de remanent' Firme Comitatus poſt terras datas ſicut ſupra continetur, & de 108l. de Firma numero.

Et

Et Vic' reddit compotum de 100 marc' de Firma pro proficiis sicut continetur in Rot. II: By which instances these things appear, viz.

1. That the *Firma de Proficiis* continued the same as before: For therein no alteration was made by the Stat. of Rutland.

2. That the Title of the *Firma de corpore Comitatus* was changed into the Title *de remanente Firme Comitatus post terras datas*.

3. That the quantity of the Firmes were reduced to smaller Sums with respect to those Firmes or Lands charged therewith formerly and since granted out.

4. That yet the Titles of *Blanc* and *Numero* continued or were omitted as the nature of the Vicontiel Rents that remained ungranted were, *viz.* When all the *blanc* Rents were granted out, the *Firme de remanente* was answered only *numero*. Where all the Rents *numero* were granted the Sheriff answered his *Firme* wholly *blanc*. If part of his Rent *blanc* were granted and nothing of those Rents that were answered *numero*, he answered the remaining part of his *Firme* *blanc*, and the entire residue *numero*. For the Sheriffs *Firme* of the County before, and *de remanente* now, did answer to the quantity, and also to the nature or quality of those Vicontiel Rents that he was to receive to make good his *Firme*.

But abating that one alteration from *Firma corporis Comitatus* to *de remanente Firme*, and the abridging of the *Firme* as before, and the discharging both of the Summons of the Pipe and the great Roll of those charges that were transcribed into the Exannual Roll, the rest, both of the charge and great Roll continued as before.

But

But notwithstanding this provision gave some ease to the Sheriffs in relation to those Firmes, yet the charging of them with these Firmes became a matter of continual complaint, for that they were still charged with these Firmes, yet many of the Rents and benefits that should make good their Firmes were sold or became illeviable after *Rot. Parl. 25 E. 3. n. 39.* Item pry les Commons que tous Vicounts que sont charge de certain Firmes pur les Counties ou ils sont Vicounts soient discharge de ceo post receipt de lour Bailly per cause de Franchises grant Ronne breve soit mand al Tresurer & Barons deschequer quills faient due allowances al chescun Vicount sur le render de lour Accompts en chescun case la ou ils voient quil soit reasonable.

And in the same Parliament in 47, the Sheriffs of *Bedf.* and *Bucks* pray to be discharged of the Firmes of the Baylywick of their Hundreds, because those Baylywicks yielded no profit: They are remitted to the Exchequer, *Rot. Parl. 45 E. 3. n. 45.* The Sheriffs of *Essex* and *Hantford*, pray an ease in respect of illeviable Firmes charged upon them, and Hundreds and Rents granted from them: Answered, *Le Roy lour ad fait grace.*

By the Statute of 1 *H. 4. cap. 11.* upon the complaint that the Sheriffs are charged with the ancient Firmes of their County, notwithstanding that great part of the profits of the same be granted to Lords and others: It is enacted that the Sheriffs shall accompt in the Exchequer and have an allowance by their Oaths of the issues of their Counties.

Rot. Parl. 11 H. 4. n. 46. & sequent. The Sheriffs of several Counties complain that they

they are charged with several ancient Firmes, which they are not able to levy, viz. *Essex* and *Hertf.* with the Firme of the County, and the Firme of the profits of the County: *York* with the Firme of the County *post terras datas.* *Devonshire* with the *remanent* Firme Comitatus *post terras datas,* the *Firma de Proficuis Comitatus,* and a certain Firme of 100 marks called blanch Firme. *Norfolk* and *Suffolk* with a Firme called *de remanent* Firme *post terras datas,* and *Firma de Proficuo Comitatus,* whereof they complain that they cannot levy any thing, and besides the Hundred and Liberties granted out to the diminution of their Profit; and pray remedy according to the Stat. of 1 H. 4.

They are referred to the King's Council to make such pardon and mitigation as they shall think reasonable.

Rot. Parl. 1 H. 5. n. 34, 35. The like Complaints are made in the behalf of the Sheriffs, and prayed that they may have allowances out of their Firmes upon their Oaths according to the Statute of 1 H. 4. But they have the like answer as before, viz. a reference to the Council.

But *Rot. Parl. 4 H. 5. n. 24. and 4 H. 5. cap. 2.* The like Petition is received, viz. that by their Oaths they may have an allowance of what they cannot levy out of those great Firmes that are charged *sub nomine Vic,* viz. Firmes of their Counties, *blanc* Firmes *de novo incremento* &c. But instead of redress, they lost that Benefit which the Statute of 1 H. 4. had before afforded them. And it is directly enacted that the Sheriffs shall have allowances by their Oath of things casual, which lye not in Firme or annual demand: But of those

D things

things which lye in Firme annual, or demand annual, they be charged as Sheriffs in aforetime had been charged. And thus stood the business of the Sheriffs Firmes until the Statute of 34 H. 8. which is the next Period.

C H A P. VIII.

Touching the State of the Sheriffs Firmes from the Statute of 34 H. 8. till the fourteenth Year of the Reign of King Charles 1. which is the Second Period.

WE have seen in the former Chapter how the case stood with the Sheriffs Firme after the Statute of Rutland, and how the Statute of 4 H. 5. cap. 2. bound the Firmes charged upon the Sheriffs, closer upon them than for some years before: And so they continued till the making of the Statute of 34. H. 8. cap. 16.

This Statute recites those several Firmes charged to the Sheriff *sub nomine Vicecomitis*, viz. *de remanent' Firme post terras datas: Firma de Proficuo Comitatus*, and those other minute Firmes demanded *sub nomine Vicecomitis*. And many of these particular small Rents that made up these Firmes charged upon the Sheriffs are lost or not leviabie, or extinguished by Attainders and Dissolutions of Monasteries

ries

ries, and yet the Sheriffs continue charged with their Firmes as formerly. It Inacts,

1. That all Sheriffs that have no Tallies of Record, shall upon their days of prefixion deliver in Rolls or Schedules of Parchment containing the particular Sums of Money which he hath or might have levied as parcel of the said ancient Firmes, naming the Person and Lands of which they are to be levied.

2. That after such Schedules delivered, the Court shall have Power to allow and make deductions in the said Sheriffs Firmes of all such Sums of Money as the Firmes shall be more than the Sums in such Schedules shall amount unto.

3. And the Court shall proceed to the recovery of such Sums belonging to the said Firmes as are omitted in such Schedules.

4. That the Sheriff have allowance and discharge of all such illeivable Sums as are written to him in process.

5. That the Sheriff have allowance for entertainment of Justices, &c.

But this was but a temporary Act, and discontinued at the next Parliament. But a farther Act was after made for the ease of the Sheriff, especially in relation to those Firmes, viz. 2 and 3 E. 6. cap. 4. By this it is enacted,

1. That the Sheriff shall have such allowances and Tallies of reward as they had before the Act of 34 H. 8. or may accompt according to the Act at their election.

2. That they that accompt and take no Tally of Record shall be treated in the Exchequer as though the Act of 34 H. 8. were in force.

A Short Treatise touching

3. That those that have no Tallies of reward shall have allowance of the Diet of the Justices, &c.

4. That all such Sheriffs as take no Tallies of reward shall be discharged of all Firmes, Goods, Chattels, Profits, Casualties, &c. as they cannot levy or come by.

5. That all that have Tallies of reward shall be discharged of all Firmes and Sums of Money that they cannot levy, except Vicontiels, with which they are to remain chargeable as before the making of the former Act.

6. That Sheriffs shall have allowances of such Vicontiels as are extinguished by unity of possession in the Crown by dissolution of Monasteries.

7. That the Sheriff at his day of prefixion when he is sworn to his accompt, shall be sworn to deliver into the Court of Exchequer, Rolls or Schedules of Parchment containing all the particular Sums of Money which he hath levied or might levy of his Vicontiels or other Firmes, mentioning the Persons and Lands of which they are leviabie, and the Court to take care for the levying of such of the Vicontiels, or Firmes, which are omitted out of the Schedules, for saving the King's Rights, and to make out procees for the same.

Upon these Acts these things are observable.

I. That those Sheriffs that have Tallies of reward may not discharge themselves of their Vicontiel

Vicontiels, viz. the *Remanent' Firme post terras, datas*, and *Cr'o Comitatus*, and other small Rents charged *sub nomine Vicecomitis* (if he take his Tally of reward) by oath that he cannot levy it, or all of it.

II. But if such a Sheriff will wave his Tally of reward, he may accompt according to the Statute of 34 H. 8. and so discharge himself of his Vicontiels or Firmes thereof as well as other Firmes. And the truth is, I think, anciently there were some Sheriffs that had Tallies of reward, viz. *Tork, Northampton, Cumb'land, Hereford, &c.*

But since the making of this Act they have waved them, accounting it more beneficial to take the benefit of those Statutes upon their accompt, than to take their Tallies of reward. So that now all Sheriffs have an equal benefit of the Statutes of 34 H. 8. and 2 and 3 E. 6.

III. But those Sheriffs that had no Tallies of reward might discharge themselves of their Vicontiels and Firmes *de remanente Comitatus*, as well as other things that they could not levy.

IV. That all Sheriffs, as well those that had or had not Tallies of reward might discharge themselves of the casual charges, or their annual uncertain charges; and consequently might, and most ordinarily after this Statute did discharge themselves of the entire *Firme de præficus Comitatus*, in case the profits of their Counties did not surmount the charge that attended them. And by this means since

the making of this Statute, those Sheriffs that were charged with the *Firma de proficuis* rarely if at all answered any thing for it, because they have always ascertained the Court that there were no such profits beyond the charge in collecting them: or that the charge of keeping the County-Court, the Turns, the Hundred-Courts, which were the things that made up the *Firma de proficuis*, surmounted the benefit.

V. And this making appear was no other than the Oath of the Sheriff, that he could not levy this or that Rent, parcel of his Vicontiels, or that there were no *Proficua Comitatus*, &c. And this Oath of the Sheriff hath always been the Warrant to discharge him of all or any part of his Firmes. By which means it hath most ordinarily come to pass, that although the Sheriff hath paid in his Profers at Easter and Michaelmas, yet when he comes upon his accompt he doth by his Oath discharge himself of all his *Firma de remanente Comitatus*, and thereby most times the King becomes Debtor to the Sheriff for those Moneys which he received as Profers, or Moneys due by the Sheriff upon his Firme.

And it is but reason; for the Statute gives him that just benefit to discharge himself by his Oath of what he cannot levy or receive.

And yet though the Sheriffs have constantly by their Oath discharged themselves of the entire *Firme de Proficuis Comitatus*, and of a great part of their other Firmes of the Vicontiels, or *Remanent Firme*, and other Rents charged

charged upon them in gross Sums, by swearing the illeiviableness of some of those Vicontiels which make up those *Remanent' Firme Comitatus* and gross Sums, yet constantly after this Act and until the year of our Lord 1650 the entire Firmes, viz. the entire Firme of the *Remanent' post terras datas*, and the entire Firme *de proficuis Comitatus*, were constantly written out in charge to the Sheriff upon the Summons of the Pipe, and entirely charged upon the great Roll, as they had ever been since the Statute of *Rutland*, and in the very same manner, though in truth it was for the most part but an idle piece of formality; for the Sheriffs constantly swear it off by virtue of the Statute. And thus by these Statutes the Sheriff had ease by his Oath from that part and those parts of his Firmes that he swore he could not levy.

But the truth is the Sheriffs have taken that part of the Statute which was for their ease, viz. to swear in discharge of their Firmes, but have too much omitted that other part of the Statute that was for the King's advantage, viz. the delivery in upon their Oaths the Schedules of their Vicontiels: by which omission possibly many small, but good, Rates have been lost since the Statute of 2 and 3 E. 6. which might have been preserved. Although possibly the far greater part were lost long before, as appears by the complaints of the Sheriffs in relation to their Firmes, in the Parliament Roll of 11 H. 4. above mentioned. and thus the Sheriffs Firmes stood until the 15th of King Charles the first.

C H A P. IX.

The Third Period from the fifteenth Year of King Charles the first, until the Year of our Lord 1650, and how the Sheriffs Firmes and Accompts stood in that interval.

BY an Order of the Court of Exchequer made the 25th. Junii, 15 Car. 1. upon the complaint of the King's Firmor of decayed Rents it was ordered that the Clerk of the Pipe should cast up and compute, and severally and distinctly put in charge arrearages of decayed Rents and parcels of Rents, that process and commissions might be made forth thereupon by virtue of the Order. But this proved uneffectual; for although the same was done accordingly, yet the King received little advantage thereby, neither did it at all convenience the Sheriff, or alter the charge written out in the Summons of the Pipe, or upon the great Roll. For the Firmes continued still in charge as before, without any alterations: And though somewhat of small consequence was found out, which might help to make good the Sheriffs Firmes in some particulars, yet the same still fell short, and the Sheriffs were still enforced to make use of the advantage of the Statute of 2 E. 6. to ease themselves by their Oath of illeivable Rents, till the year 1650.

C H A P.

C H A P. X.

The Fourth Period of the Sheriffs Firmes from the Year 1650 unto this day, and how they were answered in that interval.

IN the times of the late troubles, viz. 6 Julii, 1650. there was an Order made in the Court of Exchequer touching the Sheriffs Firmes and the Vicontiel Rents, which because it hath set a Rule in this Business, which to this day is observed, I shall here transcribe verbatim.

“ Whereas the Sheriffs of several Counties of
 “ England stand charged in the great Roll of
 “ the Pipe, and have so stood charged ancient-
 “ ly with divers Sums of Money in gross,
 “ *sub nomine Vicecomitis*, under the several Ti-
 “ tles of *de rem' Firm' Com' post terras datas* :
 “ *de veteribus Cr'i Comitatus*. *De Firma de pro-*
 “ *ficio Comitatus*. *De Cornagio*. *De Warda Ca-*
 “ *stri*. *De Firma perprestur' & escaet*. *De e-*
 “ *mersis Firmis*. *De minutis particulis*. *Serjan-*
 “ *tia de tr'is Assart' infra diversas Forestas*, and
 “ the like. And the said Sheriffs yearly, and
 “ from year to year, have been and still are
 “ commanded by the Summons of the Pipe,
 “ to levy the same as heretofore to the use
 “ of the Crown, so now to the use of the Com-
 “ mon-“

“ mon-wealth, without expressing where, of
 “ whom, for what cause, or out of what Lands
 “ or Tenements the same are particularly to
 “ be levied by the said Sheriffs, or out of what
 “ particulars the said Sums in gross do so
 “ arise; in regard where, and that it hath here-
 “ tofore appeared in the time of King *H. 8.*
 “ upon complaint of the Sheriffs, that a great
 “ part of the particular Rents and an-
 “ nual Sums of Money, wherewith the said
 “ Sheriffs do stand charged upon their Ac-
 “ counts in gross, had been long before that
 “ time payable by Monasteries, Abbots, Pri-
 “ ors, attainted Persons, and the like, whose
 “ Estates were come to the Crown, and so
 “ ought to be discharged by unity of posselli-
 “ on; and yet that the said Sheriffs were still
 “ charged in gross with the same, to their
 “ great burthen and grievance; it was in the
 “ 34th year of the said late King *H. 8.* en-
 “ acted by Parliament in the case of these
 “ Sheriffs, and of all Sheriffs for the time to
 “ come; that the said Sheriffs should be charged
 “ to answer upon their Accompts yearly such
 “ Rents and Sums of Money of the natures a-
 “ foresaid only, as by the particular Rentals or
 “ Vicontiels, by them to be yearly delivered in
 “ upon oath, they should set forth and make
 “ appear to be by them leviable; and that
 “ they should be discharged of all the residue
 “ which they upon their Oaths should affirm
 “ to be illeviable, by virtue of the said Act of
 “ Parliament, which hath been so continued
 “ accordingly, ever since. Howbeit the She-
 “ riffs have from time to time complained,
 “ and still complain against the writing
 “ forth

“ forth of more to be levied and answered
“ by them upon their Accompts, than such
“ Rents and Sums of Money only as ap-
“ pears upon the Oaths of their Predecessors,
“ Sheriffs, to be leviable; and that the rest,
“ appearing to be illeviable, ought to be re-
“ moved out of their said annual Roll, and
“ Commissions thereupon to be awarded out of
“ the Exchequer, for reviving the same ac-
“ cording to the true intention of the said Sta-
“ tute of 34 *H.8.* which the now Lord Chief
“ Baron, and the rest of the Barons, taking
“ into their serious consideration, and being
“ willing and desirous, so far forth as may
“ stand with the preservation of the due rights
“ of the Commonwealth, to give all fitting ease
“ and satisfaction to Sheriffs therein, accord-
“ ing to the meaning of the said Statute of 34
“ *H.8.* and according to the Statute of *Rutland*,
“ 10 *Ed. 1.* whereby it is provided that nothing
“ shall be written out to the Sheriffs but such
“ Firmes and Debts whereof there is some hope
“ that something may be levied. And that all
“ dead Firmes and desperate Debts are to be
“ removed from the annual or great Roll in-
“ to the exannual Roll, and not to be writ-
“ ten forth in process to the Sheriff, but to
“ be inquired of to see if any thing may be
“ revived. Whereupon the said Lord Chief
“ Baron and the rest of the Barons, calling
“ before them the Clerk of the Pipe, with
“ the Secondaries, and the rest of the sworn
“ Clerks of the said Office, and upon debate
“ of the business, finding it to be a work of
“ great difficulty, labour and care, to ex-
“ mine and set forth in every County, from
“ the

“ the Originals and Records of such antiqui-
 “ ty to be compared with later times, the
 “ particulars which are from henceforth to
 “ be written to the Sheriffs to levy in cer-
 “ tain. And such as are for the reasons a-
 “ foresaid to be removed out of the said an-
 “ nual Roll, have nevertheless in ease of all
 “ Sheriffs for time to come, with respect
 “ to the labour and care of the Officers and
 “ Clerks to be by them undergone therein.
 “ It is this day ordered, that the Clerk of the
 “ Pipe, the Secondaries and other sworn
 “ Clerks of the said Office in their several
 “ Assignments shall in pursuance of the said
 “ Statute of *Rutland*, and the said Statute of
 “ 34 *H. 8.* use their best endeavour, dili-
 “ gence and care, with as much convenient
 “ speed as a work of so great labour and
 “ consequence may well be performed, ful-
 “ ly to explain and set forth, and shall
 “ from henceforth fully explain and set
 “ forth, in the subsequent annual Roll of
 “ this Court, so many of the particular
 “ Rents as they find out and discover by
 “ any of the Remembrances, Books, Vi-
 “ contiels of Sheriffs, or other Records of
 “ this Court, to have been, and which be
 “ appertaining to the making up of every
 “ of the said Firmes so charged in gross
 “ Sums as aforesaid, and shall therein di-
 “ stinguish which and how much of those
 “ particular Rents have been and are to be
 “ yearly answered.

“ And so much of the said Firmes as can-
 “ not be explained by setting forth the parti-
 “ culars,

“ culars, together with the particulars so set forth
 “ and explained, which have been in decay and
 “ unanswered by the space of forty years last
 “ past, and which are become illeivable, shall
 “ be thereupon removed and conveyed out of
 “ the said annual Roll and Sheriffs Accompts
 “ into the exannual Roll of this Court. And
 “ that Commissions and Procefs shall be from
 “ time to time awarded to regain and recover
 “ the same, according to the true intention of
 “ the said Statutes.

This Order produced these Effects.

I. Great care was taken to collect and set forth the obscure Rents, and upon what they were charged.

II. The particulars of those Rents and Vicontiels that made up the Sheriffs Firmes formerly, of *Remanent' Firme post terras datas*, and *De Cremento Comitatus*, as also those Rents that were charged upon the Sheriffs in gross Sums, as *De diversis Firmis, de minutis particulis Ser-jantiarum*, and such other charges in gross were wholly left out and omitted.

IV. Instead thereof such particular Rents and Vicontiels as made up formerly these Firmes and gross charges, or Money of them as could be discovered were particularly written out in the Summons of the Pipe, and in the great Roll first under the title of several Hundreds, wherein the Bills lay that were charged or had any Lands charged within them with these Vicontiels and the several Vills under the Titles
 of

of these Hundreds, and the several Lands that were charged within those Villis, as far forth as could be discovered.

V. Those Vicontiels that were part of those Firmes or gross charges, and likewise such particular Rents charged formerly in the annual Roll in particular, which had not been answered in forty years before, were removed out of the Summons of the Pipe and great Roll into the exannual Roll to be put in process as they could be discovered. And thus the form of the charge which had continued ever since 10 E. 1. as to the Firmes and gross Sums, was too lately changed to the great ease of the Sheriffs, of the Court and of the People, who were often harassed by the Sheriffs to make themselves savers, by levying these obscure, incertain and illeivable Sums. And all this without any detriment to the King, who indeed before had an appearance of great Firmes and Sums expressed in the Summons of the Pipe and great Roll, which yet were sworn off too little by the Sheriffs in pursuance of the Statute of 23 E. 6.

VI. But besides all this, the *Firma de proficuo Comitatus* was also wholly laid aside and put out of the charge of the Summons of the Pipe and the great Roll. It is true there is no clear warrant for putting the Firme out of charge by that order, for that order seems to extend only to Rents and Vicontiels, which indeed made up the other in Firmes and gross Sums charged upon the Sheriffs. But this Firme was answered for the Profits of Courts and

and other casual Perquisites, and not in respect of any Vicontiel or annual Rent. But yet for all that, the true extent of that order might extend to put that Firme wholly out of charge, since it is apparent that the profits of the Sheriffs Courts, whether Hundred-Courts, County-Courts, or *time*, do scarce quit the charges of keeping them at this day, nor for a long time past. Neither is the King *de facto* at any loss thereby, for though before this order this Firme was indeed in charge and carried the shew of some benefit to the King, yet it was wholly sworn off by the Sheriffs by virtue of the Statute of 2 and 3 E. 6.

Only it seems reasonable that though the *Firma de proficuis* be put out of charge so that the Sheriff should not be compelled to answer a Firme to that which yields little or no benefit, yet that the Sheriff should be charged to accompt for the *Proficua Comitatus* as Bayly or *Custos* though not as Firmor.

And that therefore there should stand in charge upon him to accompt *de Proficuis*, which all that I can find considerable to be supplied in that order, or in the present methodizing of the great Roll in Relation hereunto. And although this order was made in the late time of trouble, yet it hath obtained and stood in force unto this day.

The late Act of this Parliament, intituled *An Act for the preventing of the unnecessary delays of Sheriffs, &c.* hath this Clause suitable to the said order, *viz.*

“ And to the end that Sheriffs may for the
“ time future be eased of the great charge and
“ trouble

“trouble which they heretofore have been
 “put to in passing their Accompts in the Ex-
 “chequer, occasioned partly in regard that di-
 “vers Sums of Money have stood charged up-
 “on them in gross without expressing from
 “what persons, or for what cause, or out of
 “what Lands and Tenements, the same are
 “particularly to be levied, or out of what
 “particulars the said Sums in gross do arise,
 “whereby it cometh to pass that the Sheriffs
 “do still stand charged in gross with divers
 “Sums of Money which were heretofore pay-
 “able by Abbots, Priors, Persons attainted,
 “and such other Persons, whose Estates are
 “since come to the Crown, or are otherwise
 “discharged or illeivable. And partly by the
 “Accompt of Seisures or foreign Accompts,
 “and by exaction of undue Fees of Sheriffs up-
 “upon their Opposals. But it is enacted, &c.
 “that no Sheriffs shall be charged in Accompt
 “to answer any illeivable Seisure, Firme, Rent
 “or Debt, or either Seisure, Firme, Rent, Debt
 “or other matter or thing whatsoever, which
 “was not writ in process to him or them to be
 “levied wherein, the persons of whom, or the
 “Lands and Tenements out of which, toge-
 “ther with the cause for which the same shall
 “be so levied shall be plainly and particularly
 “expressed, but shall be thereof wholly dis-
 “charged without Petition, Plea or other trou-
 “ble or charge whatsoever.

This Act had in effect discharged the old
 charges in gross, had not this business been be-
 fore settled by the order of 1650. But by that
 order the same thing is done and much more,
 and put into a very good order. And

And thus I have done with this intricate Argument touching the Sheriffs Firmes. And the occasion of my strict enquiry into it was, a difference between the Auditors and the Clerk of the Pipe: Upon the whole debate whereof, I found only these matters.

1. That, in truth, the great occasion of complaint was, that the Clerks of the Pipe used different methods of accompting from the Auditors of the Revenue, the not observance whereof occasioned a mistaken representation by the Auditors that there was a deceit in their Accompts, whereas it appeared to be no such thing: For when both accompted their several ways, the issue was that the Accompts agreed in the conclusion.

2. That the *Firme de proficuo Comitatus* was put out of charge without Warrant, and it was thought by the Auditors, a great and considerable loss to the Crown, supposing that the Fees for execution of Process and Writs were to make up that *Firme*: But this is sufficiently unriddled before.

3. That there was an allowance to the Sheriff of *Bucks* of a considerable yearly Sum, *ut Apparatori Comitatus*: This indeed ought not to be allowed at this day, the reason thereof ceasing, as hath been shewed; and therefore from henceforth that charge is to be disallowed, but the Clerk of the Pipe not greatly blamable herein, because there was an order of the Court in the Queens time for making that allowance: But the reason whereupon that or-

er was made was a mistake and an error in the Court, not in the Clerk that followed the order.

4. That there is no accompt given for the Firmes of Baylywicks as was anciently; which indeed, was parcel of the *Proficuum Comitatus*, as hath been shewed. But the truth is, there is no great reason for any such complaint, the Firmes of Baylywicks being taken away by Act of Parliament, and levy disused in most places.

5. That when the Sheriff is in Surplufage, they make it good unto him out of any other debt by the Sheriff himself, or any other Sheriff of the same or any other County, without any Warrant from my Lord Treasurer or the Court. And besides that, the other Sheriff is discharged upon the Roll of his Debt, and it doth not appear upon what reason. And indeed, this is a thing fit to be reformed, and that such allowances be not made without Warrant from the Lord Treasurer, or Order of Court, and that an Entry or Memorandum thereof be made upon the Roll of the Debts so discharged. But yet, the truth is, this manner of allowance hath been a long time used, and it is no novelty or late attempt, neither is there any great damage to the King by it, for it is but the payment of one real Debt with another. But howsoever, this is fit to be reformed by order of the Court, that the Sheriffs deliver not in the Roll of the Vicontiel as is required by the Statute. And it is true, he ought to do it, or should be sworn thereunto,

thereunto. But the necessity is not now so great, because the particular Rents are now charged upon the great Roll by virtue of the order of 1650, which doth in a great measure supply that defect; and yet the delivery in of the Vicontiel Roll may be fit to be revived.

The most of the rest of the complaints were touching particulars mischarged, or not charged, but the Errours were rather in the Complainers than in the Pipe, and for want of a clear understanding of those intricate and obscure proceedings of the Pipe. And upon a full search of the particulars, I find the Clerks of the Pipe gave very clear satisfaction therein.

Upon the whole matter of these Accompts, I do observe these Two or Three Observables.

I. That the inconvenience of retaining the old formalities of proceedings, the same terms and words, and very same mood of all things in Accompts, when the nature of things and times requires a change, and accommodation of new forms or expressions as a piece of hurtful superstition; therefore, although the change of forms of this nature is not to be done rashly and precipitantly, yet when the exigence of things requires it, there must be an accommodation to the present use, understanding and exigence of affairs.

And hence it is that the Accompts of the Auditors of the Revenue are more easily intelligible, as being framed to the use and exigence of the times; but the Accompts of the

Pipe more myſterious and perplexed, to Perſons unacquainted with them, for till 10 E. 1. they kept in all things the precise form of writing their great Roll, as had been used in King Stephen's time. And the same form they kept until 1650, abating the alterations made in 10 E. 1. not without great inconvenience to the King's people and Sheriffs.

II. That these small Rents and Vicontiels would be with much more advantage to the King, and be sold off to the several Persons and Townships chargeable therewith, than be kept in method of collection, as now they are, unless some more ready collecting of them by the Receivers could be thought upon, provided the Money arising by sale be laid out presently in more certain Revenue: For, 1. They are in respect of their smallness, and dispersedness, and uncertainty of charge and manner of collecting very subject to be lost, as they have been commonly from time to time. 2. The charge of collecting and accompting for them by the Sheriff is very great, and the trouble and charge to the people very much more. 3. The cost and trouble to the King in respect of Officers writing and other matters relating thereunto, might be well retrenched thereby. And yet when all is done, it brings a great trouble, and makes a great noise as if it were a Revenue of great moment, and yet by that time the Sheriffs have done swearing of particulars as illeivable, or that they know not where to charge it, it becomes a very pitiful inconsiderable business, and scarce answering the charge of the collecting, accompting and answering

ing it. For it must be observed that altho' by the order of 1650, the charge is more certain than formerly, yet the Sheriff hath still by the Law the benefit of the Statute of 2 and 3 E. 6. even as to those ascertained Rent, and if he cannot find them, he is, and ought to be discharged upon his Oath thereof. And accordingly is daily discharged of many of those Rents, though rendred much more certain by that order, and the pains and method of the Charge and Accompt, used in pursuance hereof. Whereby in process of time, many, even of these Rents particularly charged by virtue of that order, will be successively lost.

Sed de his curent Superiores.

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A
TRYAL
OF
WITCHES,
AT THE
ASSIZES
HELD AT

Bury St. Edmonds for the County
of *SUFFOLK*; on the Tenth
Day of *March*, 1664.

BEFORE

Sir *MATTHEW HALE*, K^t.

THEN

Lord Chief Baron of His Majesty's
Court of EXCHEQUER.

Taken by a Person then Attending the Court.

L O N D O N,

Printed for *D. Brown*, *J. Walthoe*, and *M.*
Wotton. 1716.

TO THE
READER.

THIS Tryal of Witches hath lain a long time in a private Gentleman's Hands in the Country, it being given to him by the Person that took it in the Court for his own Satisfaction; but it came lately to my Hands, and having perused it, I found it a very remarkable thing, and fit to be Publish'd; especially in these times, wherein things of this nature are so much controverted, and that by persons of much Learning on both Sides. I thought that so exact a Relation of this Tryal, would probably give more Satisfaction to a great many Persons, by reason that it is pure Matter of Fact;

Fact, and that evidently Demonstrated; than the Arguments and Reasons of other very Learned Men, that probably may not be so Intelligible to all Readers; especially, this being held before a Judge, whom for his Integrity, Learning, and Law, hardly any Age, either before or since, could parallel; who not only took a great deal of Pains, and spent much Time in this Tryal himself; but had the Assistance and Opinion of several other very Eminent and Learned Persons: So that this being the most perfect Narrative of any thing of this Nature hitherto Extant, made me unwilling to deprive the World of the Benefit of it; which is the sole Motive that induced me to Publish it.

Farewel.

A Tryal of Witches.

At the Assizes and General Goal delivery, held at Bury St. Edmonds for the County of Suffolk, the Tenth of March, in the Sixteenth Year of the Reign of our Sovereign Lord King Charles II. before Matthew Hale Knight, Lord Chief Baron of His Majesty's Court of Exchequer; Rose Cullender and Amy Duny, Widows, both of Leytstoff in the County aforesaid, were severally indicted for Bewitching Elizabeth and Ann Durent, Jane Bocking, Susan Chandler, William Durent, Elizabeth and Deborah Pacy: And the said Cullender and Duny, being arraigned upon the said Indictments, pleaded Not Guilty: And afterwards, upon a long Evidence, were found Gilty, and thereupon had Judgment to dye for the same.

The Evidence whereupon these Persons were convicted of Witchcraft, stands upon divers particular Circumstances.

I. **T**Hree of the Parties above-named, viz. Ann Durent, Susan Chandler, and Elizabeth Pacy were brought to Bury to the Assizes and were in a reasonable good condition: But that Morning they came into the Hall to give Instructions for the drawing of their Bills of Indictments.

ments, the Three Persons fell into strange and violent Fits, screeking out in a most sad manner, so that they could not in any wise give any Instructions in the Court who were the Cause of their Distemper. And although they did after some certain space recover out of their Fits, yet they were every one of them struck Dumb, so that none of them could speak neither at that time, nor during the Assizes, until the Conviction of the supposed Witches.

As concerning *William Durent*, being an Infant, his Mother *Dorothy Durent* sworn and examined, deposed in open Court, That about the Tenth of *March Nono Caroli Secundi*, she having a special occasion to go from home, and having none in her House to take care of her said Child (it then sucking) desired *Amy Duny* her Neighbour, to look to her Child during her absence, for which she promised her to give her a Penny: but the said *Dorothy Durent* desired the same *Amy* not to Suckle her Child, and laid a great charge upon her not to do it. Upon which it was asked by the Court, why she did give that direction, she being an old Woman and not capable of giving Suck? It was answered by the said *Dorothy Durent*, that she very well knew that she did not give Suck, but that for some years before, she had gone under the Reputation of a *Witch*, which was one cause made her give her the caution: Another was, That it was customary with old Women, that if they did look after a sucking Child, and nothing would please it but the Breast, they did use to please the Child to give it the Breast, and it did please the Child, but it
sucked

sucked nothing but Wind, which did the Child hurt. Nevertheless after the departure of this Deponent, the said *Amy* did Suckle the Child: And after the return of the said *Dorothy*, the said *Amy* did acquaint her, *That she had given Suck to the Child* contrary to her command. Whereupon the Deponent was very angry with the said *Amy* for the same; at which the said *Amy* was much discontented, and used many high Expressions and Threatning Speeches towards her; telling her, *That she had as good to have done otherwise than to have found fault with her, and so departed out of her House*: And that very Night her Son fell into strange fits of swoounding, and was held in such terrible manner, that she was much affrighted therewith, and so continued for divers weeks. And the said Examinant farther said, that she being exceedingly troubled at her Child's Distemper, did go to a certain Person named Doctor *Jacob*, who lived at *Tarmouth*, who had the reputation in the Country, to help Children that were Bewitched; who advis'd her to hang up the Childs Blanket in the Chimney-corner all day, and at night when she put the Child to Bed, to put it into the said Blanket, and if she found any thing in it, she should not be afraid, but to throw it into the Fire. And this Deponent did according to his direction; and at night when she took down the Blanket with an intent to put her Child therein, there fell out of the same a great Toad, which ran up and down the Hearth, and she having a young Youth only with her in the House, desired him to catch the Toad, and throw it
into

into the Fire, which the Youth did accordingly, and held it there with the Tongs; and as soon as it was in the Fire it made a great and horrible Noise, and after a space there was a flashing in the Fire like Gun-powder, making a noise like the discharge of a Pistol, and thereupon the Toad was no more seen nor heard. It was asked by the Court, if that after the noise and flashing, there was not the Substance of the Toad to be seen to consume in the Fire? And it was answered by the said *Dorothy Durent*, that after the flashing and noise, there was no more seen than if there had been none there. The next day there came a young Woman, a Kinswoman of the said *Amy*, and a Neighbour of this Deponent, and told this Deponent, that her Aunt (meaning the said *Amy*) was in a most lamentable condition, having her Face all scorched with Fire, and that she was sitting alone in her House, in her Smock without any Fire. And thereupon this Deponent went into the House of the said *Amy Dury* to see her, and found her in the same condition as was related to her; for her Face, her Legs, and Thighs, which this Deponent saw, seemed very much scorched and burnt with Fire, at which this Deponent seemed much to wonder; and asked the said *Amy* how she came into that sad condition? And the said *Amy* replied, she might thank her for it, for that she this Deponent was the cause thereof, but that she should live to see some of her Children Dead, and she upon Crutches. And this Deponent farther saith, that after the burning of the said Toad, her Child recover'd, and

was

was well again, and was living at the time of the Assizes. And this Deponent farther saith, That about the 6th of March, 11^o. Car. 2. her Daughter *Elizabeth Durent*, being about the Age of Ten Years, was taken in like manner as her first Child was, and in her fits complained much of *Amy Durny*, and said, That she did appear to her, and Afflict her in such manner as the former. And she this Deponent going to the Apothecaries for something for her said Child, when she did return to her own House, she found the said *Amy Durny* there, and asked her what she did do there? And her answer was, *That she came to see her Child, and to give it some Water.* But she this Deponent was very angry with her, and thrust her forth of her doors, and when she was out of doors, she said. *You need not be so angry, for your Child will not live long:* And this was on a *Saturday*, and the Child dyed on the *Monday* following. The cause of whose Death this Deponent verily believeth was occasioned by the Witchcraft of the said *Amy Durny*: For that the said *Amy* hath been long reputed to be a *Witch*, and a Person of very evil Behaviour, whose Kindred and Relations have been many of them accused for *Witchcraft*, and some of them have been Condemned.

The said Deponent further saith, That not long after the death of her Daughter *Elizabeth Durent*, she this Deponent was taken with a Lameness in both her Legs, from the Knees downward, that she was fain to go upon Crutches, and that she had no other use of them but only to bear a little upon them till she did remove her Crutches,

and so continued till the time of the Assizes, that the *Witch* came to be Tryed, and was there upon her Crutches. The Court asked her, *That at the time she was taken with this Lameness, if it were with her according to the Custom of Women?* Her Answer was, that it was so, and that she never had any stoppages of those things, but when she was with Child.

This is the Substance of her Evidence to this Indictment.

There was one thing very remarkable, that after she had gone upon Crutches for upwards of Three Years, and went upon them at the time of the Assizes in the Court when she gave her Evidence, and upon the Juries bringing in their Verdict, by which the said *Amy Dury* was found Guilty, to the great admiration of all Persons, the said *Dorothy Duvent* was restored to the use of her Limbs, and went home without making use of her Crutches.

II. As concerning *Elizabeth* and *Deborah Pacy*, the first of the Age of Eleven Years, the other of the Age of Nine Years or thereabouts: As to the Elder, she was brought into the Court at the time of the Instructions given to draw up the Indictments, and afterwards at the time of Tryal of the said Prisoners, but could not speak one Word all the time, and for the most part she remained as one wholly senseless as one in a deep Sleep, and could move no part of her Body, and all the Motion of Life that appeared in her was, that as she lay upon Cushions in the Court upon her back, her stomach and belly, by the drawing of her breath, would arise to a great height:

height: and after the said *Elizabeth* had lain a long time on the Table in the Court, she came a little to her self and fate up, but could neither see nor speak, but was sensible of what was said to her, and after a while she laid her Head on the Bar of the Court with a Cushion under it, and her Hand and her Apron upon that, and there she lay a good space of time: And by the direction of the Judge, *Amy Dunny* was privately brought to *Elizabeth Pacy*, and she touched her hand; whereupon the Child without so much as seeing her, for her Eyes were closed all the while, suddenly leaped up, and caught *Amy Dunny* by the Hand, and afterwards by the Face; and with her Nails scratched her till Blood came, and would by no means leave her till she was taken from her, and afterwards the Child would still be pressing towards her, and making signs of Anger conceived against her.

Deborah the younger Daughter was held in such extream manner, that her Parents wholly despaired of her life, and therefore could not bring her to the Assizes.

The Evidence which was given concerning these Two Children was to this Effect.

SAmuel Pacy a Merchant of *Leystoff* afore-said, (a Man who carried himself with much soberness during the Tryal, from whom proceeded no words either of Passion or Malice, though his Children were so greatly Afflicted,) Sworn and Examined, Deposeth, That his younger Daughter *Deborah*, upon *Thursday* the Tenth of *October* last, was suddenly taken with a Lameness in her Legs, so that she could not stand, neither had she any strength in her Limbs to support her, and so she continued until the seventeenth Day of the same Month, which Day being fair and Sunshiny, the Child desired to be carried on the *East* part of the House, to be set upon the Bank which looketh upon the Sea; and whilst she was sitting there, *Amy Dury* came to this Deponents House to buy some Herrings, but being denied, she went away discontented, and presently returned again, and was denied, and likewise the third time, and was denied as at first; and at her last going away, she went away grumbling; but what she said was not perfectly understood. But at the very same instant of time, the said Child was taken with most violent fits, feeling most extream pain in her Stomach, like the pricking of Pins, and Shreeking out in a most dreadful manner like unto a Whelp, and not like unto a sensible Creature.

And

And in this extremity the Child continued to the great grief of the Parents until the Thirtieth of the same Month. During this time this Deponent sent for one Dr. Feavor, a Doctor of Physick, to take his advice concerning his Childs Distemper; the Doctor being come, he saw the Child in those fits, but could not conjecture (as he then told this Deponent, and afterwards affirmed in open Court, at this Tryal) what might be the cause of the Childs Affliction. And this Deponent farther saith, That by reason of the circumstances aforesaid, and in regard *Amy Duny* is a Woman of an ill Fame, and commonly reported to be a *Witch* and *Sorcerefs*, and for that the said Child in her fits would cry out of *Amy Duny* as the cause of her Malady, and that she did affright her with Apparitions of her Person (as the Child in the intervals of her fits related) he this Deponent did suspect the said *Amy Duny* for a *Witch*, and charged her with the injury and wrong to his Child, and caused her to be set in the Stocks on the Twenty eighth of the same *October*: And during the time of her continuance there, one *Alice Letteridge* and *Jane Buxton* demanding of her (as they also affirmed in Court upon their Oaths) what should be the reason of Mr. Pacy's Childs Distemper? telling her, That she was suspected to be the cause thereof; she replied, *Mr. Pacy keeps a great stir about his Child, but let him stay until he hath done as much by his Children, as I have done by mine.* And being further examined, what she had done to her Children? She answered, *That she had been fain to open her Childs Mouth with a Tap to give it* *Victuals.*

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And the said Deponent further depofeth ; That within two Days after fpeaking of the faid words, being the Thirtieth of *October*, the eldeft Daughter *Elizabeth*, fell into extream Fits, infomuch, that they could not open her Mouth to give her Breath, to preferve her Life without the help of a Tap, which they were enforced to ufe ; and the younger Child was in the like manner Afflicted, fo that they ufed the fame alfo for her Relief.

And further the faid Children being grievoufly afflicted would feverally complain in their extremity, and alfo in the intervals, That *Amy Duny* (together with one other Woman whose Perfon and Cloaths they defcribed) did thus Afflict them, their Apparitions appearing before them, to their great terrour and affrightment : And fometimes they would cry out, faying, *There ftands Amy Duny, and there Rose Cullender* ; the other Perfon troubling them.

Their fits were various, fometimes they would be lame on one fide of their Bodies, fometimes on the other : Sometimes a forenefs over their whole Bodies, fo as they could endure none to touch them : At other times they would be reftored to the perfect ufe of their Limbs, and deprived of their Hearing ; at other times of their Sight, at other times of their Speech ; fometimes by the fpace of one day, fometimes for two ; and once they were wholly deprived of their Speech for Eight days together, and then reftored to their Speech again. At other times they would fall into Swoonings, and upon the recovery to their Speech they would Cough extreamly, and bring up much Flegme, and with the fame

crooked

crooked Pins, and one time a Two-peny Nail with a very broad head, which Pins, (amounting to Forty or more) together with the Two-peny Nail were produced in Court, with the affirmation of the said Deponent, that he was present when the said Nail was vomited up, and also most of the Pins. Commonly at the end of every fit they would cast up a Pin, and sometimes they would have four or five Fits in one day.

In this manner the said Children continued with this Deponent for the space of two Months, during which time in their Intervals this Deponent would cause them to Read some Chapters in the *New Testament*. Whereupon this Deponent several times observed, that they would read till they came to the name of Lord, or Jesus, or Christ; and then before they could pronounce either of the said Words they would suddenly fall into their Fits. But when they came to the Name of Satan, or Devil, they would clap their Fingers upon the Book, crying out, *This bites, but makes me speak right well.*

At such time as they be recovered out of their Fits (occasion'd as this Deponent conceives upon their naming of Lord, or Jesus, or Christ,) this Deponent hath demanded of them, what is the cause they cannot pronounce these words? They reply and say, *That Amy Duny saith, I must not use that name.*

And farther, the said Children after their Fits were past, would tell, how that *Amy Duny*, and *Rose Cullender* would appear before them, holding their Fists at them, threatening, *That if they related either what they saw or heard,*

that they would Torment them ten times more than ever they did before.

In their Fits they would cry out, *Their stands Amy Dunny, or Rose Cullender*; and sometimes in one place and sometimes in another, running with great violence to the place where they fancied them to stand, striking at them as if they were present; they would appear to them sometimes spinning, and sometimes reeling, or in other postures, deriding or threatening them.

And this Deponent farther saith, That his Children being thus Tormented by all the space aforesaid, and finding no hopes of amendment, he sent them to his Sisters House, one *Margaret Arnold*, who lived at *Tarmouth*, to make tryal, whether the change of the Air might do them any good. And how, and in what manner they were afterwards held, he this Deponent refers himself to the Testimony of his said Sister.

Margaret Arnold, Sworn and Examined, saith, That the said *Elizabeth* and *Deborah Pacy* came to her House about the Thirtieth of *November* last; her Brother acquainted her, that he thought they were Bewitch'd, for that they vomited Pins; and farther informed her of the several passages which occurred at his own House. This Deponent said, that she gave no credit to that which was related to her, conceiving possibly the Children might use some deceit in putting Pins in their mouths themselves. Wherefore this Deponent unpinning all their Cloaths, and left not so much as one Pin upon them, but sewed all the Cloaths they wore, instead of pinning of them. But this Deponent

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Deponent saith, that notwithstanding all this care and circumspection of hers, the Children afterwards raised at several times at least Thirty Pins in her presence, and had most fierce and violent Fits upon them.

The Children would in their Fits cry out against *Rose Cullender* and *Amy Denny*, affirming that they saw them; and they threatned to torment them Ten times more, if they complained of them. At some times the Children (only) would see things run up and down the House in the appearance of Mice; and one of them suddenly snapt one with the Tongs, and threw it into the Fire, and it screeched out like a Rat.

At another time, the younger Child being out of her Fits went out of Doors to take a little fresh Air, and presently a little thing like a Bee flew upon her Face, and would have gone into her Mouth, whereupon the Child ran in all haste to the Door to get into the House again, screeking out in a most terrible manner; whereupon this Deponent made haste to come to her, but before she could get to her, the Child fell into her swooning Fit, and at last with much pain straining herself, she vomited up a Two-peny Nail with a broad Head; and after that the Child had raised up the Nail she came to her understanding; and being demanded by this Deponent, how she came by this Nail? she answered, *That the Bee brought this Nail and forced it into her Mouth.*

And at other times, the Elder Child declared unto this Deponent, that during the time of her Fits, she saw Flies come unto her, and bring with them in their Mouths crooked Pins; and

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and after the Child had thus declared the same, she fell again into violent Fits, and afterwards raised several Pins.

At another time, the said Elder Child declared unto this Deponent, and sitting by the Fire suddenly started up and said, *she saw a Mouse*, and she crept under the Table looking after it, and at length, she put something in her Apron, saying, *she had caught it*; and immediately she ran to the Fire and threw it in, and there did appear upon it to this Deponent, like the flashing of Gun-powder, though she confessed she saw nothing in the Childs Hand.

At another time the said Child being speechless, but otherwise, of perfect Understanding, ran round about the House holding her Apron, crying, *hush, hush*, as if there had been some Poultry in the House; but this Deponent could perceive nothing: But at last she saw the Child stoop, as if she had catcht at something, and put it into her Apron, and afterwards made as if she had thrown it into the Fire: But this Deponent could not discover any thing: But the Child afterwards being restored to her speech, she this Deponent demanded of her what she saw at the time she used such a posture? who answered, *That she saw a Duck*

At another time, the Younger Daughter being recovered out of her Fits, declared, *That Amy Dunny had been with her, and that she tempted her to Drown her self, and to cut her Throat, or otherwise to Destroy her self.*

At another time in their Fits, they both of them cryed out upon *Rose Cullender* and *Amy Dunny*, complaining against them; *Why do not you*

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you come your selves, but send your Imps to torment us?

These several passages as most remarkable, the said Deponent did particularly set down as they daily happen'd, and for the reasons aforesaid, she doth verily believe in her Conscience, that the Children were bewitched, and by the said *Amy Duny*, and *Rose Cullender*; though at first she could hardly be induced to believe it.

As concerning *Ann Durent*, one other of the Parties, supposed to be bewitched, present in Court.

Edmund Durent her Father Sworn and Examined; said, That he also lived in the said Town of *Leystoff*, and that the said *Rose Cullender*, about the latter end of *November* last, came into this Deponents House to buy some Herrings of his Wife, but being denyed by her, the said *Rose* returned in a discontented manner; and upon the first of *December* after, his Daughter *Ann Durent* was very sorely afflicted in her Stomach, and felt great pain, like the Pricking of Pins, and then fell into swooning Fits, and after the Recovery from her Fits, she declared, *That she had seen the Apparition of the said Rose, who threatned to Torment her.* In this manner she continued from the first of *December*, until this present time of Tryal; having likewise vomited up divers Pins (produced here in Court.) This Maid was present in Court, but could not speak to declare her knowledge, but fell into most violent Fits when she was brought before *Rose Cullender*.

Ann Baldwin Sworn and Examined, Deposeth the same thing as touching the Bewitching of the said *Ann Durent*. As

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As concerning *Jane Bocking* who was so weak, she could not be brought to the Assizes.

Diana Bocking Sworn and Examined, Deposed, That she lived in the same Town of *Leystoff*, and that her said Daughter having been formerly afflicted with swooning Fits recovered well of them, and so continued for a certain time; and upon the first of *February* last, she was taken also with great pain in her Stomach, like pricking with Pins; and afterwards fell into swooning Fits, and so continued till the Deponents coming to the Assizes, having during the same time taken little or no food, but daily vomited crooked Pins; and upon *Sunday* last raised Seven Pins. And whilst her Fits were upon her she would spread forth her Arms with her Hands open, and use postures as if she caught at something, and instantly close her Hands again; which being immediately forced open, they found several Pins diversly crooked, but could neither see nor perceive how or in what manner they were conveyed thither. At another time, the same *Jane* being in another of her Fits, talked as if she were discoursing with some Persons in the Room, (though she would give no answer nor seem to take notice of any Person then present) and would in like manner cast abroad her Arms, saying, *I will not have it, I will not have it*; and at last she said, *Then I will have it*, and so waving her Arm with her Hand open, she would presently close the same, which instantly forced open, they found in it a Lath-Nail. In her Fits she would frequently complain of *Rose Cullender*, and *Amy Dury*, saying
That

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That now she saw Rose Cullender standing at the Beds-feet, and another time at the Beds head, and so in other places. At last she was stricken Dumb and could not speak one Word, though her Fits were not upon her, and so she continued for some Days; and at last her Speech came to her again, and she desired her Mother to get her some Meat; and being demanded the reason why she could not speak in so long time? She answered, *That Amy Duny would not suffer her to speak.* This Lath-Nail, and divers of the Pins were produced in Court.

As concerning *Susan Chandler*, one other of the Parties supposed to be Bewitched and present in Court.

Mary Chandler Mother of the said *Susan*, Sworn and Examined, Deposed and said, That about the beginning of *February* last past, the said *Rose Cullender* and *Amy Duny* were Charged by Mr *Samuel Pacy* for Bewitching of his Daughters. And a Warrant being granted at the request of the said Mr *Pacy*, by Sir *Edmund Bacon* Bart. one of the Justices of the Peace for the County of *Suffolk*, to bring them before him, and they being brought before him were Examined, and Confessed nothing. He gave order that they should be searched; whereupon this Deponent with five others were appointed to do the same: And coming to the House of *Rose Cullender*, they did acquaint her with what they were come about, and asked whether she was contented that they should search her? She did not oppose it, whereupon they began at her Head, and so stript her naked, and in the lower part of her Belly they found a thing like a Teat of an

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Inch long, they questioned her about it, and she said, *That she had got a strain by carrying of water, which caused that Excrecence.* But upon narrower search, they found in her Privy Parts three more Excrecences or Teats, but finaller than the former: This Deponent farther saith, that in the long Teat, at the end thereof there was a little hole, and it appeared unto them as if it had been lately sucked, and upon the straining of it there issued out white milky Matter.

And this Deponent farther saith, That her said Daughter (being of the Age of Eighteen Years) was then in Service in the said Town of *Leysteeff*, and rising up early the next Morning to Wash, this *Rose Cullender* appeared to her, and took her by the hand, whereat she was much affrighted, and went forthwith to her Mother, (being in the same Town) and acquainted her with what she had seen; but being extreamly terrified, she fell extream sick, much grieved at her Stomach; and that Night after being in Bed with another young Woman, she suddenly shrieked out, and fell into such extream fits as if she were distracted, crying against *Rose Cullender*; saying, *she would come to bed to her.* She continued in this manner beating and wearing her self, insomuch, that this Deponent was glad to get help to attend her. In her Intervals she would declare, *That some time she saw Rose Cullender, at another time with a great Dog with her:* She also vomited up divers crooked Pins; and sometimes she was stricken with blindness, and at another time she was Dumb, and so she appeared to be in Court when the Tryal of the Prisoners

next

ners was; for she was not able to speak her knowledge; but being brought into the Court at the Tryal, she suddenly fell into her Fits, and being carried out of the Court again, within the space of half an hour she came to her self and recovered her speech, and thereupon was immediately brought into the Court, and asked by the Court, whether she was in Condition to take an Oath, and to give Evidence, she said she could. But when she was Sworn, and asked what she could say against either of the Prisoners? before she could make any answer, she fell into her Fits, screeking out in a miserable manner, crying, *Burn her, Burn her*, which were all the Words she could speak.

Robert Chandler Father of the said *Susan* gave in the same Evidence, that his Wife *Mary Chandler* had given; only as to the searching of *Rose Cullender* as aforesaid.

This was the Sum and Substance of the Evidence which was given against the Prisoners concerning the Bewitching of the Children before-mentioned. At the hearing this Evidence there were divers known Persons, as Mr Serjeant *Keeling*, Mr Serjeant *Earl*, and Mr Serjeant *Barnard*, present. Mr Serjeant *Keeling* seemed much unsatisfied with it, and thought it not sufficient to Convict the Prisoners: For admitting that the Children were in truth Bewitched, yet, said he, it can never be applied to the Prisoners, upon the Imagination only of the Parties Afflicted: For if that might be allowed, no Person whatsoever can be in safety, for perhaps they might fancy another Person, who might altogether be Innocent in such matters. There

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There was also Dr *Brown* of *Normich*, a Person of great knowledge; who after this Evidence given, and upon view of the three Persons in Court, was desired to give his Opinion, what he did conceive of them: And he was clearly of Opinion, that the Persons were bewitched; and said, that in *Denmark* there had been lately a great Discovery of Witches, who used the very same way of Afflicting Persons, by conveying Pins into them, and crooked as these Pins were, with Needles and Nails. And his Opinion was, That the Devil in such cases did work upon the Bodies of Men and Women, upon a Natural Foundation, (that is) to stir up, and excite such Humours super-abounding in their Bodies to a great excess, whereby he did in an extraordinary manner afflict them with such Distempers as their Bodies were most subject to, as particularly appeared in these Children; for he conceived, that these swooning Fits were Natural, and nothing else but that they call the Mother, but only heightened to a great excess by the subtilty of the Devil, co-operating with the Malice of these which we term Witches, at whose Instance he doth these Villanies.

Besides the Particulars above-mentioned touching the said Persons Bewitched, there were many other things objected against them for a further proof and manifestation that the said Children were Bewitched.

As *First*, during the time of the Tryal, there were some experiments made with the Persons Afflicted, by bringing the Persons to touch them; and it was observed, that when they

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they were in the midst of their Fits, to all Mens apprehension wholly deprived of all sense and understanding, closing their Fists in such manner, as that the strongest Man in the Court could not force them open; yet by the least touch of one of those supposed Witches, *Rose Cullender* by Name, they would suddenly shriek out opening their Hands; which accident would not happen by the touch of any other Person.

And least they might privately see when they were touched by the said *Rose Cullender*, they were blinded with their own Aprons, and the touching took the same Effect as before.

There was an ingenious Person that objected, there might be a great fallacy in this experiment, and their ought not to be any stress put upon this to Convict the Parties, for the Children might counterfeit this their Distemper, and perceiving what was done to them, they might in such manner suddenly alter the motion and gesture of their Bodies, on purpose to induce Persons to believe that they were not natural, but wrought strangely by the touch of the Prisoners.

Wherefore to avoid this scruple it was privately desired by the Judge, that the Lord Cornwallis, Sir Edmund Bacon, and Mr. ²⁸⁷ Serjeant Keeling, and some other Gentlemen there in Court, would attend one of the distempered Persons in the farther part of the Hall, whilst she was in her Fits, and then to send for one of the Witches, to try what would then happen, which they did accordingly: and *Amy Duny* was conveyed from the Bar and brought to the Maid: They put an Apron before her

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Eyes, and then one other Person touched her Hand, which produced the same effect as the touch of the Witch did in the Court. Whereupon the Gentlemen returned, openly protesting, that they did believe the whole transaction of this business was a mere Imposture.

This put the Court and all Persons into a stand. But at length Mr *Pacy* did declare, That possibly the Maid might be deceived by a suspicion that the Witch touched her when she did not. For he had observed divers times, that although they could not speak, but were deprived of the use of their Tongues and Limbs, that their Understandings were perfect, for that they have related divers things which have been when they were in their Fits, after they were recovered out of them. This saying of Mr *Pacy* was found to be true afterwards, when his Daughter was fully recovered, (as she afterwards was) as shall in due time be related: For she was asked, whether she did hear or understand any thing that was done and acted in the Court, during the time that she lay as one deprived of her understanding? And she said, *she did*: And by the Opinions of some, this experiment, (which others would have a Fal-lacy) was rather a confirmation that the Parties were really Bewitched, than otherwise: For, say they, it is not possible that any should counterfeit such Distempers, being accompanied with such various Circumstances, much less Children; and for so long time, and yet undiscovered by their Parents and Relations: For no Man can suppose that they should all conspire together, (being out of several Families, and, as they affirm, no way related

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one to the other, and scarce of familiar acquaintance) to do an Act of this nature, whereby no Benefit or Advantage could redound to any of the Parties, but a guilty Conscience for Perjuring themselves in taking the Lives of two poor simple Women away, and there appears no Malice in the Case. For the Prisoner themselves did scarce so much as Object it. Wherefore, say they, it is very evident that the Parties were bewitched, and that when they apprehend or understand by any means, that the Persons who have done them this wrong are near, or touch them; then their Spirits being more than ordinarily moved with rage and anger at them being present, they do use more violent gestures of their Bodies, and extend forth their Hands, as desirous to lay hold upon them; which at other times not having the same occasion, the instance there falls not out the same.

2ly. One *John Soam* of *Leystoff* aforesaid, Yeoman, a sufficient Person, Deposeth, That not long since, in Harveſt-time he had three Carts which brought home his Harveſt, and as they were going into the Field to load, one of the Carts wrenched the Window of *Rose Cullenders* House, whereupon she came out in a great rage and threatned this Deponent for doing that wrong; and so they passed along into the Fields and loaded all the Three Carts, the other Two Carts returned safe home, and back again, twice loaded that Day afterwards; but as to this Cart which touched *Rose Cullenders* House, after it was loaded, it was overturned twice or thrice that Day; and after that they had loaded it again the second or third time, as they

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brought it thro' the Gate which leadeth out of the Field into the Town, the Cart stuck so fast in the Gates-head, that they could not possibly get it through, but were inforced to cut down the Post of the Gate to make the Cart pass through, although they could not perceive that the Cart did of either side touch the Gate-posts. And this Deponent further saith, That after they had got it through the Gate-way, they did with much difficulty get it home into the Yard; but for all that they could do, they could not get the Cart near unto the place where they should unload the Corn, but were fain to unload it at a great distance from the place, and when they began to unload they found much difficulty therein, it being so hard a labour that they were tired that first came; and when others came to assist them, their Noses burst forth a Bleeding: So they were fain to desist and leave it until the next Morning, and then they unloaded it without any difficulty at all.

Robert Sherringham also Deposeth against *Rose Cullender*, That about Two Years since, passing along the Street with his Cart and Horses, the Axletree of his Cart touched her House, and broke down some part of it, at which she was very much displeased, threatening him, that his Horses should suffer for it; and so it happen'd, for all those Horses, being Four in Number, died within a short time after. Since that time he hath had great Losses by the sudden dying of his other Cattle; so soon as his Sows pigged, the Pigs would leap and caper, and immediately fall down and die. Also, not long after, he was taken with

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a Lameness in his Limbs that he could neither go nor stand for some Days. After all this, he was very much vexed with great Number of Lice of an extraordinary bigness, and altho' he many times shifted himself, yet he was not any thing the better, but would swarm again with them; so that in the Conclusion he was forc'd to burn all his Cloaths, being two Suits of Apparel, and then was clean from them.

As concerning *Amy Duny*, one *Richard Spencer* Deposeth, That about the first of September last, he heard her say at his House, *That the Devil would not let her rest until she were revenged on one Cornelius Sandeswell's Wife.*

Ann Sandeswell, Wife unto the above-said *Cornelius*, Deposed, That about Seven or Eight Years since, she having bought a certain number of Geese, meeting with *Amy Duny*, she told her, *If she did not fetch her Geese home, they would all be destroyed: Which in a few Days after came to pass.*

Afterwards the said *Amy* became Tenant to this Deponent's Husband for a House, who told her, *That if she looked not well to such a Chimney in her House, that the same would fall:* Whereupon this Deponent replied, That it was a new one; but not minding much her Words, at that time they parted. But in a short time the Chimney fell down according as the said *Amy* had said.

Also this Deponent farther saith, That her Brother being a Fisherman, and using to go into the Northern Seas, she desired him to send her a Firkin of Fish, which he did accordingly; and she having notice that the

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said Firkin was brought into *Leystoff-Road*, she desired a Boatman to bring it ashore with the other Goods they were to bring; and she going down to meet the Boat-man to receive her Fish, desired the said *Amy* to go along with her to help her home with it; *Amy* replied, *She would go when she had it.* And thereupon this Deponent went to the Shoar without her, and demanded of the Boat-man the Firkin; they told her, That they could not keep it in the Boat from falling into the Sea, and they thought it was gone to the Devil, for they never saw the like before. And being demanded by this Deponent, whether any Goods in the Boat were likewise lost as well as hers? They answered, *Not any.*

This was the Substance of the whole Evidence given against the Prisoners at the Bar; who being demanded, what they had to say for themselves? They replied, *Nothing material to any thing that was proved against them.* Whereupon, the Judge in giving his direction to the Jury, told them, that he would not repeat the Evidence unto them, least by so doing he should wrong the Evidence on the one side or on the other. Only this acquainted them, That they had Two things to enquire after. *First*, Whether or no these Children were Bewitched? *Secondly*, Whether the Prisoners at the Bar were Guilty of it?

That there were such Creatures as *Witches* he made no doubt at all; For *First*, the Scriptures had affirmed so much. *Secondly*, The wisdom of all Nations had provided Laws against such Persons, which is an Argument of their confidence of such a Crime. And such hath been the

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the Judgment of this Kingdom, as appears by that Act of Parliament which hath proved Punishments proportionable to the quality of the Offence. And desired them, strictly to observe their Evidence; and desired the great God of Heaven to direct their Hearts in this weighty thing they had in Hand: *For to Condemn the Innocent, and to let the Guilty go free, were both an Abomination to the Lord.*

With this short Direction the Jury departed from the Bar, and within the space of half an hour returned, and brought them in both Guilty upon the several Indictments, which were Thirteen in Number, whereupon they stood Indicted.

This was upon *Thursday* in the Afternoon, *March 13. 1662.*

The next Morning, the Three Children with their Parents came to the Lord Chief Baron *Hales's* Lodging, who all of them spake perfectly, and were in as good Health as ever they were; only *Susan Chandler*, by reason of her very much Affliction, did look very thin and wan. And their Friends were asked, At what time they were restored thus to their Speech and Health? And *Mr. Pacy* did affirm, that within less than half an hour after the *Witches* were Convicted, they were all of them restored, and slept well that Night, feeling no pain: only *Susan Chandler* felt a pain like pricking of Pins in her Stomach.

After, they were all of them brought down to the Court, but *Ann Durent* was so fearful to behold them, that she desired she might

not see them. The other Two continued in the Court, and they Affirmed in the face of the Country, and before the *Witches* themselves, what before hath been Deposed by their Friends and Relations; the Prisoners not much contradicting them. In Conclusion, the Judge and all the Court were fully satisfied with the Verdict, and thereupon gave Judgment against the *Witches* that they should be Hanged.

They were much urged to confess, but would not.

That Morning we departed for *Cambridge*, but no Reprieve was granted: And they were Executed on *Monday*, the Seventeenth of *March* following; but they Confessed nothing.

F I N I S.



A
DISCOURSE
TOUCHING
PROVISION
FOR THE
POOR.

Written by

Sir MATTHEW HALE, K^c.
Late Lord Chief Justice of the
King's-Bench.

L O N D O N,

Printed for D. Brown, J. Walthoe, and
M. Wotton. 1716.



THE PREFACE.



Due Care for the Relief of the Poor is an Act, 1. of great Piety towards Almighty God, who requires it of us: He hath left the Poor as his Pupils, and the Rich as his Stewards to provide for them: It is one of those great Tributes that he justly requires from the rest of Mankind; which, because they cannot pay to him, he hath scattered the Poor among the rest of Mankind, as his Substitutes and Receivers.

*2. It is, an Act of greatest Humanity among Men. Mercy and Benignity is due to the very Beasts that serve us, much more
to*



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to those that are Partakers of the same common Nature with us.

3. It is an Act of great Civil Prudence and Political Wisdom: for Poverty in it self is apt to emasculate the Minds of Men, or at least it makes Men tumultuous and unquiet. Where there are many very Poor, the Rich cannot long or safely continue such; Necessity renders Men of Phlegmatick and dull Natures, stupid and indisciplinable; And Men of more fiery or active Constitutions, rapacious and desperate.

At this Day it seems to me that the English Nation is more deficient in their prudent Provision for the Poor than any other cultivated and Christian State; at least that have so many Opportunities and Advantages to supply them.

In some other Countries a Beggar is a rare Sight; Those that are unable to maintain themselves by Age or Impotency, are relieved. And those that are able to supply their Wants by their Labour, are furnished with Employments suitable to their Condition.

And by this Means there is not only a good and orderly Education; and a decent
Face.

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Face of the Publick; but the more Populous the State or Country is, the Richer and the more Wealthy it is.

But with us in England, for want of a due Regulation of Things, the more Populous we are, the Poorer we are; so that, that wherein the Strength and Wealth of a Kingdom consists, renders us the weaker and the poorer.

And, which is yet worse, Poor Families which daily multiply in the Kingdom for want of a due Order for their Employment in an honest Course of Life, whereby they may gain Subsistence for them and their Children, do unavoidably bring up their Children either in a Trade of Begging or Stealing, or such other Idle Course, which again they propagate over to their Children, and so there is a successive Multiplication of hurtful or at least unprofitable People, neither capable of Discipline nor beneficial Employment.

It is true, we have very severe Laws against Begging, the very Giver being in some Cases subject to a Penalty by the Statute of 1 Jac. cap. 17. But it takes little Effect. And indeed as the Case stands with us, it is no reason it should: for what
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Man that is of Ability can have the Conscience to deny an Alms, or to bring a Wanderer to the Punishment directed by that Statute and the Statute of 39 Eliz. when he cannot choose but know that there is not that due course provided, or at least used, that Persons necessitous, and able to work, may have it: Indeed were there a clear means practised for the Employing of poor Persons, It were an uncharitable Action to relieve them in a Course of Idleness. But when I do not know that there is such a Provision, I dare not deny my Relief, because I know not whether without it he may be starved with hunger, without his own Default.

We have also very severe Laws against Theft, possibly more severe than most other Nations, yea, and than the Offence in it self simply considered deserves; And there is little to be said in the Defense of the severity of the Law herein, but the multitude of the Offenders, and the design of the Law rather to terrify than to punish, ut metus in omnes, poena in paucos: But it is most apparent that the Law is frustrated of its Design therein; for although more suffer at one Sessions at Newgate for Stealing and Breaking up Houses, and Picking of Pockets, and such other Larcenies out of the Protection of Clergy, than suffer in
some

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some other Countries for all Offences in three Years, yet the Goals are never the Emptier: Necessity, and Poverty, and want of a due Provision for the Employment of Indigent Persons, and the Custom of a loose and Idle Life, daily supply with Advantage the number of those who are taken off by the Sentence of the Law: And doubtless as the multitude of Poor, and necessitous, and uneducated Persons increase, the multitude of Malefactors will increase, notwithstanding the Examples of Severity.

So that upon the whole Account, the Prudence of Prevention, as it is more Christian, so it will be more Effectual than the Prudence of Remedy: The Prevention of Poverty, Idleness and disorderly Education, even of poor Children, would do more good to this Kingdom than all the Gibbets, and Cauterizations, and Whipping-Posts, and Goals in this Kingdom, and would render these kind of Disciplines less necessary and less frequent.

But hitherto I am in Generals, which rarely prosper into Action or Conviction: I therefore shall consider principally these things:

1. What Provisions there are already settled by the Laws in force for the Relief and Employment of the Poor.

2. Wherein

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2. *Wherein the Defects are, in relation to those Laws or Provisions, and the Consequences thereof.*

3. *What may be thought a convenient Supply of those Defects, and the Consequences of such Supplies.*





CHAP. I.

Touching the Laws at Present in force for the Relief and Imployment of the Poor.



THE Laws relating to the Poor are of two kinds, *viz.*

1. Such as concern the relief of the Aged, and Impotent, that are not able by their Labour to maintain themselves. 2. Such as concern

the imployment and setting of Work, of such as are able. And this latter, as shall be shewn, is the more comprehensive and beneficial Charity, although both are necessary and become us, both as Men and Christians; much more touching the former of these, *viz.* the relief of the impotent Poor, the Laws of *England* have provided a double Remedy. First, by giving great encouragement to voluntary Undertakings of good and liberal Minds in this kind. 2. By Compulsary means upon all.

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A Discourse touching

Again, as touching the former of these, the Statute of 29 *Eliz.* Cap. 5. hath given a great Incouragement to such as shall erect Hospitals, Houses of Correction and *Maisons de Dieu*. And the Statutes of 39 *Eliz.* Cap. 6. and 43 *Eliz.* Cap. 4. have taken special care for the due imployment of Gifts to charitable uses. And certainly such voluntary Assignations argue an excellent and charitable Mind in those that shall so voluntarily give; And the Statutes have given a fair Incouragement to the Charities of Men in this kind. But this Provision doth but little in order to Relief: For 1. for the most part such Hospitals, extend but to a few aged Persons limited to some particular Town, unless it be in the large Hospitals, in *London*, where there is some Provision more Extensive in respect both of number and age, as *St. Thomas's Hospital*, *Christ-Church Hospital*, and some others. 2. But besides this, those are but Voluntary, and not Compulsary; although there may be some that may be charitably minded, yet for the most part Men are backward in Works of Charity; Self-love, Covetousness, distrust of the Truth and Providence of God keeps most from overflowing Charity, or Building or Endowing Hospitals.

2. Therefore there was a Compulsary laid upon Men for the Relief of the Poor within their respective Parishes, viz. the Statute of 43 *Eliz.* Cap. 2. being the first Compulsary Law that I remember of that kind: And indeed it now became necessary to be done by a Compulsary Means, which before that time was left more arbitrary, because the Kingdom became then

much

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much more populous than in former time, and with it the Poor also greatly increased, and besides many of those methods of their voluntary Relief was then much abated; which Statute Enables the Church-Wardens and Overseers, &c. to do these things.

1. To take order for setting to work the Children of those whose Parents, are not able to maintain their Children.

2. To take order to set those to work as such, having no Means to maintain themselves, use no ordinary Trade. But provides not sufficient Compulsaries to make them work.

3. To raise weekly by Taxation a convenient stock of Flax, Hemp, &c. to set the Poor on Work: But no Means at the first, before the return of the Manufacture to pay them wages in express words, but is supplied by the latter general Clause. (*And to do and execute all other Things, as well for the disposing of the said Stock, or otherwise concerning the Premises as to them shall seem convenient.*)

4. To raise competent Sums of Money for the impotent Poor not able to Work.

5. Also for the putting of Poor Children Apprentices, but no Compulsary for any to receive them.

Among all these Provisions the 4th concerns the Relief of the Poor by Taxation, and Contributions to such as are impotent; the four other Particulars concern their Employment; and of such as are able to Work, which is the far greater number. And although the Relief of the Impotent Poor seems to be a Charity of more immediate Exigence, yet the Employment of the Poor is a Charity of greater Extent,

A Discourse touching

and of very great and important Consequence to the publick Wealth and Peace of the Kingdom, as also to the Benefit and Advantage of the Poor.

I therefore come to that second Business relating to the Poor, *viz.* the setting the Poor on Work.

The Laws that concern that Business of the *Employment* of the Poor are of two kinds; *viz.* that which contains a Compulsary Means of providing Work for the Poor, which is the Statute of 43 *Eliz.* And secondly, those Laws which are in some kind Compulsary to force Persons to Work; and these are of two kinds, *viz.*

1. Those that concern Children and the Binding of them Apprentices, *viz.* the Clause of the Statute 43 *Eliz. Cap. 4.* before-mentioned and the Statute 7 *Jac. Cap. 1.* which makes fair Provision for the raising of Money to bind them, and directs the manner of its Employment. But as before is observed, hath not any sufficient Compulsary for Persons to take them, and perchance there might be fit to have some such qualifications in that Compulsary which might not leave it too arbitrary in the Justices of Peace to compel whom they please, to take whom they please: But this is not the Business I drive at, perchance the general Provision which I design, may make this at least not so frequently necessary.

2. In reference to Rogues, Vagabonds and idle and disorderly Persons, the Statute 7 *Jac. Cap. 4.* gives Power to the Justices of Peace to send them to the House of Correction, which they are thereby required to cause to be

Erected.

Erected. 2. Power to the Master of such House of Correction to keep them to work.

But even in this particular there are defects.

1. It is not general for all Persons, but at most idle and disorderly Persons. 2. That description is very uncertain in reference to such Persons, and leaves the Justices either too great or too little power. 3. For want of a convenient Stock to be raised for such Houses of Correction, and advantageous ways for such work, it either leaves such as are sent without an Employment, or renders their Employment ungrateful in respect of the smallness of the wages, and rather makes People hate Employment as a Hell than to entertain it as a means of a comfortable support; which though it may be well enough as a Punishment for disorderly persons that refuse to *work*, yet it is not applicable to those that are only idle, it may be, because they have no work. 4. It is a difficult thing to determine who shall be said an idle Person; it is a reasonable answer to that, they are Idle for want of such work as they are able to do, or for want of such wages as might give them a reasonable support: For there is no power given, nor is it reasonable it should, to compel Persons to set them on work, or to set them on work at convenient Wages. 5. And lastly, it is not universal; many Persons are not within that Law which would work if they might; or if they might at reasonable rates, whereby they might live. There is need, therefore, of some such provision that might be as ample as the occasion, and without which indeed all the Laws already made are either weak and ineffectual

to their Ends, and the generality of the Poor left destitute of a convenient support and provision.

C H A P. II.

Touching the Power by the Law setled for the general Provision for the Poor, and their defects.

UPon the consideration of the Statutes for the Poor, the only Statute that provides universally is that of 43 Eliz. which generally makes two Provisions.

1. For the Impotent Poor, that are not able to work: And it is true is a good and effectual Provision for such, if duly executed. But as I said before, the Plaister is not so large as the Sore; there are many Poor that are able to work if they had it, and had it at reasonable wages whereby they might support themselves and their Families, which oftentimes are many. These are not within the Provision of the Law, and if they come for Exhibitions, they are denyed, or at least have but very small, and such as cannot support them and their Families. And indeed if they should have sufficient Exhibition for the support of them and their Families, the Parishes where they live were not able to supply them in a proportion answerable to their necessities, or answerable to that supply which a full

full Employment would afford them: For instance, a Poor Man and his Wife though able to work, may have four Children, two of them possibly able to work, two not able: The Father and the Mother are not able to maintain themselves and their Family in Meat, Drink, Cloathing and House-rent under ten Shillings *per Week*, and so much they might probably get if imployed: This amounts to 26*l. per Annum*; if there were forty such Families in a great Parish, and they lived upon this Exhibition collected by rates, it would arise to above 800*l. per Annum*, which in many Parishes exceeds the yearly Value of their Lands or Rents, yet when these Persons are kept on work thus much must be gotten by them, and without a supply Equivalent to this they must live by Begging, or Stealing, or Starve; Therefore the Second Provision is,

2. For those Poor that are able to work, and in reference to them it gives power to raise Stocks by rating the Parishioners, and setting the Poor on work.

The defects of this Provision are,

1. In the Execution of the Law already made; for let any Man look over most of the Populous Parishes in *England*; indeed there are rates made for the relief of the Impotent Poor, and it may be the same relief is also given in a narrow measure unto some others, that have great Families, and upon this they live miserably, and at best from Hand to Mouth, and if they cannot get work to make out their livelyhood, they and their Children set up a trade of Begging at best. But it is rare to see

any Provision of a Stock in any Parish for the relief of the Poor. And the reasons are principally these: 1. The Generality of People that are able, yet unwilling, to exceed the present necessary charge, they do choose to live for an hour rather than project for the future; and although possibly trebling their Exhibition in one gross sum at the beginning of the year, to raise a Stock, might in all probability render their future yearly payments for seven years together less by half or two thirds, than what must be without it, yet they had rather continue on their yearly Payments, year after year, though it exhaust them in time, and make the Poor nothing the better at the years End. 2. Because those places, where there are most Poor, consists for the most part of Trades-men, whose Estates lye principally in their Stocks, which they will not endure to be searched into to make them contributory to raise any considerable Stock for the Poor, nor indeed so much as to the ordinary Contributions: But they lay all the rates to the Poor upon the Rents of Lands and Houses, which alone, without the help of the Stocks, are not able to raise a Stock for the Poor, altho' it is very plain that Stocks are as well by Law rateable as Lands, both to the relief, and raising a Stock for the Poor: 3. Because the Church-Wardens and Overseers, to whom this power is given, are Inhabitants of the same Parish, and are either unwilling to charge themselves or to displease their Neighbours in charging more than they needs must towards the Poor: And although it were to be wished and hoped that the Justices of Peace would
be

be forwardly to enforce them if they might, though it may concern them also in point of present profit; yet if they would do any thing herein, they are not impowered to compel the Church Wardens and Overseers to do it, who most certainly will never go about it to burden, as they think, themselves, and displease their Neighbours, unless some Compulsary power were not only lodged by Law, but also executed in some that may have a power over them to enforce it, or to do it, if they do it not, and to do it effectually, if they do it either partially, or too sparingly: 4. Because People do not consider the inconvenience that will in time grow to themselves by this neglect, and the benefit that would in a little time accrue to them by putting it in practise if they would have but a little patience, as shall be shewn hereafter.

2. The second defect is in the Law itself; which are these:

1. No power from the Justices of Peace, or some superintendent power to compel the raising of a Stock where the Church-Wardens and Overseers neglect it.

2. The Act chargeth every Parish apart where it may be they are able to do little towards it; neither would it be so effectual as if three, four, five or more contiguous Parishes did contribute towards the raising of a Stock proportionable to their Poor respectively.

3. There is no power for hiring or erecting a Common House, or place for their common Work-house, which may be in some respects, and upon some occasions, useful and necessary, as shall be shewn.

C H A P. III.

The Remedy propounded.

1. **T**HAT the Justices of the Peace at the Quarter Sessions do set out and distribute the Parishes in their severall Counties into severall Divisions, in each of which there may be a Work-House for the common use of the respective Divisions, wherein they are respectively placed, *viz.* one, two, three, four, five or six Parishes to a Work-House, according to the greatness or smallness, and accommodation of the severall Parishes.

2. That at that Sessions the Church-Wardens and Overseers of the Poor of the respective Parishes, bring in their severall rates for their Relief of their respective Poor upon Oath. And that the said Justices do assess three, four or five yearly Pâys to be levied and collected at one or two entire Sums within the time prefixed by them for the raising of a Stock to set the Poor within those Precincts on Work, and to build or procure a convenient Work-House for imploying the Poor, if need be, in it, and for lodging Materials, and for instructing Children in the Trade or Work.

3. That there be yearly chose by the said Justices a Master for each Work-House, with a convenient Salary out of the said Stock, or the proceed thereof, to continue for 3 Years, and two Overseers to see the Issuing and Return of the said Stock, and to take the Accounts
Quarter-

Quarterly or Monthly of the Master as they shall think fit.

4. That the Stock be delivered to the Overseers, and by them Issued to the Master, as there shall be occasion, and that they also from time to time receive the proceed of the said Stock and the Accompts for the same.

5. That at the end of every Year the Master and Overseers give up their Accounts to the two next Justices of the Peace at times by them prefixed, and publickly notified to the Inhabitants of each Precinct, to the end that they may take any exceptions to such Accounts, if there be cause.

6. That the Master and Overseers of every respective Work-House stand, and be incorporate by the name of Master and Overseers of their respective Precincts, and capable to take in Succession by will or otherwise, Lands, Goods, or Money, or other Legacies or Gifts for the Benefit of the Poor, within their respective Precincts.

7. That they also be accomptable, as well to their respective Successours, and also to the Justices of the Peace at their Quarter Sessions for the Benefit and Proceed and Imployment of such Gifts and Bequests.

8. That they be disabled to grant any Lands to them given or bequeathed for any longer term than one Year, and at an improved Rent.

9. That if any Person that is able to work, and not able to maintain himself, shall refuse to do so, he may be forced thereunto by Warrant of two Justices of Peace by Imprisonment,

ment, and moderate correction in such Work-House.

10. If any Person imployed by the Master, shall imbezel or wilfully prejudice, or spoil his Work, he shall upon complaint and proof thereof by the Party grieved to any Justice of Peace, and by Warrant from him, receive Imprisonment or moderate correction by Warrant of such Justice.

These be the heads of that Provision, I could wish for the setting the Poor on Work, which is but an Essay and may receive Alterations or Additions upon consideration.

The Benefits, that would come by this Method would be very many and great: I shall set down some of them that occur to me.

1. By Incorporating of these Work-Houses, which are the best kind of Hospitals, charitable-minded Persons would have as it were a Pillar whereunto to fasten their Charity, which would prevent many Difficulties in the faithful Administrations thereof, and would invite Benefactors.

2. Whereas Hospitals provide for some few Poor Impotent People, this would prevent Poverty, and in a little tract of time bring up hundreds to be able to gain their Livelyhoods.

3. Whereas in that State that things are, our Populousness, which is the greatest Blessing a Kingdom can have, becomes the burden of the Kingdom, by breeding up whole Races and Families, and successive Generations in a mere Trade of Idleness, Thieving, and Begging, and a barbarous kind of Life, which must in time prodigiously increase and overgrow the

the whole Face of the Kingdom, and eat out the Heart of it : This course within one seven Years alters the whole State of this Disorder, and brings People and their Children after them into a Regular, Orderly and Industrious course of Life, which will be as natural to them as now Idleness, and Begging, and Thieying is.

For no Person will have need to Beg or Steal, because he may gain his living better by Working.

And no Man will be so vain, and indeed hurtful to the Publick, as to give to such as Beg, and thereby to encourage them, when he is sure they may gain their living by Working. And all the Laws against Vagrants, Beggars and Wanderers, will be then Effectually put in Execution, when we may be sure they may be employed if they will : But till that, the interdicting and Punishing of the Beggars and Givers seems to me a most unreasonable piece of Imprudence, as well as Uncharitableness.

4. By this means the Wealth of the Nation will be increased, Manufactures advanced, and every Body put into a capacity of Eating his own Bread ; for upon what imaginable account can we think, that we should not be as able to improve our Populoufness to our Wealth, as well as *Holland*, and *Flanders*, and *Barbadoes*, if we had but their Industry and orderly Management ? If it be said, their Disposition is more Industrious than ours : It is true in that condition that matters are ordered ; but if we had the same Industrious Education, we should have the same Industrious Disposition : Let a
Man,

Man, one that hath been bred up in the trade of Begging, he will never, unless compelled, fall to Industry; and on the other side, it is a wonderful Necessity indeed that shall bring one bred up in Civility, and Industry, to Beg, as is easily observable in many poor Places and Families.

And were there no other Benefit to the Kingdom in general, nor to the particular Places, where such Work-Houses shall be settled, but this, although the Stock were wholly lost in four Years, it would be an abundant Recompence by the accustoming the poor sort to a Civil and Industrious course of Life, whereby they would soon become, not only not burthensom, but profitable to the Kingdom, and the places where they live.

5. By this Means there would soon be an Improvement of the several Manufactures of the Kingdom, both for the necessary Consumption of the Kingdom, and for Exportation; whereby our Trade Outward, would exceed our Trade Inward, which Outward Trade, as it is the Basis and Foundation of all our Trade Inward; and the excess and Overballance of our Trade Outward, to our Trade Inward, is the only Means not only to keep our Money at home, but to gain an increase of Money, and so advanceth the true intrinsick Wealth of the Kingdom; for as of our Hand, if our Trade Outward exceed our Trade Inward, the excess must of Necessity be returned in Money or Bullion, so if our Trade Inward exceed our Trade Outward, the excess must be made good from hence in Money, which must needs insensibly impoverish the Kingdom, and Experience makes us know it to be

be true: Now the Advance of our Manufactures would be by this Means plainly evident, for Woollen Manufactures or Cloath, the Staple Commodity of this Kingdom, would be more, and these other Woollen Manufactures, as Kerseys, Serges, Baize, which, though now confined to several parts of the Kingdom, as *Devonshire, Norfolk, Colchester*, would be by this Means diffused over the whole Kingdom, and those Places which have little of Woollen Manufacture; as *Linconshire, Northamptonshire*, and other Counties, would soon fall into it; so likewise knitting of Stockings, Caps, Waist-Coats and the like. 2. Our Linnen Manufactures, as Linnen Cloath, Laces of all sorts, Nets, Sails, &c. would become native, and supply the Want of the Kingdom, and prevent the necessity of Importation of Linnen Cloath from *Holland and France*, of Laces from *Flanders*: And as this Trade is in some degree used in *Lancashire, Leicestershire*, and some other Places, so it would be communicated to other Places of the Kingdom. And it is very considerable the numbers of Poor that would be by this Means employed in dressing of Hemp and Flax, Spinning, Weaving, Whitening and the like. And if any shall say, we want the Materials, and we want those that should instruct the Poor in the Ordering of them, The Answer is at hand; If once the Manufacture were begun to be put into a Method by this way, all Men would quickly sow Hemp and Flax in some Parcels of their Tillage, and possibly some Lands that were not so fit for other Tillage would be employed in this: Two Acres of Hemp and Flax in every Parish would

employ

employ multitudes, which now People neglect to sow, because they have no way to vent or employ it: And for Instructors, when once the alarm is abroad of such a design, it will draw over Workmen from other Foreign Parts; and by this Means we gained, or at least recovered the Skill of making Woollen Cloath from other Parts, as appears by undeniable Evidence. And if it shall be said that this will defraud and straiten us of Labourers in our Woollen Manufactures; there can be no fear of that; for we have Poor enough to be employed in both, and it is most certain, that the Populoufness of the Kingdom still increaseth, notwithstanding its great Exhaustings by Wars and Plagues, and Foreign Plantations, and consequently the Poor will be proportionably increased, so that we may reasonably suppose that in one seven Years, by the blessing of God, the very proceeds, that will be able and fit to work, of poor Families, will be more than double to what they are now, which will continually increase in a kind of Geometrical Progression, whereby there will be enough for double the employment that is now for them.

6. By the Means of these Work-Houses, there will be an Opportunity for One or Two Persons, skilled in any Manufacture, to instruct Twenty in the Trades, by common Resort, Meeting and dayly Residence of Children and young People there; and there may be Opportunity, to teach Children to read without any interruption, in the Employments of them that are able to teach them, or of them that are able to work.

7. By

7. By this means the Yearly Contributions for the necessary relief of Poor, that are able to Work, and their Families, and those kind of Contributions which in time will be impossible to support the Poor, will be changed into a supply every way more easy for them that are to pay, though at first it may require a more liberal assistance for the raising of the Stocks, and every way more beneficial and advantageous for the Poor; First, because they will hereby be educated and inured to a way of Civility and Industry. 2. They will gain a Trade, which will go along with them as the constant support of their lives. 3. The Wages that they will gain, will be a greater and better support than they can have by any Contributions that are able to be assessed for them; for they may be able to gain, Two, Three, Four, Five and Six Shillings a Week, for every Person able to Work, which is five times more than their Weekly or Yearly Contributions do or can amount unto, without exhausting more than the Revenues of the Parishes, wherein these poor are in many places: And this shall be demonstrated to the Eye of any that will consider this instance, which I have exactly tryed, and examined, and found to be true.

The ordinary Process and time, and charge of making a common Course medly Cloath of our Gloucestershire Wool at this day is;

1. In every such Cloath of about 32 Yards long, there is Ninety Pounds of Wool, which will cost at this day at 12d. per Pound, four Pounds 10s. viz. ordinary in a Grey Cloath.

54 l. of Abb.

34 l. of Warp.

2 l. of Mixture.

4 l. 10 s.

2. The Charge of making this Cloath:

	l.	s.	d.
1 Parting and Picking.	0	3	0
2 Colouring	0	16	0
3 Breaking and Spinning the Abb, at two pence farthing <i>per l.</i>	1	7	9
4 Breaking and Spinning the Warp, at 5d. <i>per l.</i>			
5 Cards and Oyl	1	0	0
6 Weaving, Spooling and Warping	1	1	3
7 Milling and Burling	0	12	0
8 Shearing and Dressing	0	18	0
9 Drawing	0	1	6
10 Carriage and Facturage.	0	7	0

So the whole Charges comes to 11 l. 15 s.

Out of which deducting the Materials of Wool, and Cards, and Oil, viz. 5 l. 10 s.

Their remains entirely for the Expence of work amount to 6 l. 5 s.

It is true at this day this Cloath yields not above 12 l. to be sold, which is only 5 s. profit, but when Trade is quicker it may yield 13 l. or more.

3. The People that are imployed in bringing about this Cloath to be ready are 14, viz. three Weavers and Spoolers, two Breakers, six Spinners, one Fuller and Burler, one Sheerman, one Parter and Picker: The Weavers supply the Office of Spooler and Warper.

4. These will bring about the first Cloath in about two Months space: But being continued in a constant tract, the Cloath will be brought about in three Weeks time, for all the
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other Workmen are at Work and fit the Cloath for the Weaver in that space that he is Weaving the first Cloath.

5. Consequently this one Loom thus imployed all the Year round, allowing two Months to the first Cloath, and three Weeks to every other, will make fourteen returns the first Year of Cloath ready for sale, and sixteen returns every Year after.

6. Consequently that which this yields for bare Wages to these 14 poor Workmen for the first Year, is Eighty seven Pounds Ten Shillings, and for the following Years, is Ninety seven Pounds; and by this Computation it is easy to see what every Workman can gain a Week being full imployed.

7. About one Hundred Pounds Stock will for ever keep this Looms work going, and maintain these fourteen Workmen, and consequently a Stock of four Hundred Pounds will keep on foot four Looms work, and keep on Work fifty six Persons, and be able to abide the ordinary delays of sale incident to the Markets.

8. But if it could be supposed that the Cloath could be sold as soon as made (which is not I confess reasonably to be expected) then a Stock of four and twenty Pounds would by its continual return provide Materials, and pay the Workmen for one Looms work in perpetuity: But because the returns by sale cannot be as speedy as the work is done, the Stock must be near 100 l. to abide

the delay of a Month, two, three, four or more, in point of sale, and likewise to buy Wool seasonably for Work. And by this it appears, that although one Hundred Pounds Stock by its 16 returns yields but an inconsiderable advantage to the Master at five Shillings *per* Cloath, *viz.* but four Pounds in the Year, yet it yields a considerable advantage to the poor Workers, *viz.* near one Hundred Pounds *per Annum*; and consequently a Stock of four Hundred Pounds yields near four Hundred Pounds *per Annum*. And consequently these fifty six poor People that are kept on work with this Stock of four Hundred Pounds could not live better, if the Parish were at the Yearly Pension of four Hundred Pounds *per Annum*, to relieve them, nor indeed so well, considering they are by this means kept in a way of employment and honest industry: And yet without some supply, either by Wages or Contribution, those fifty six poor People being destitute of Wages or Contributions to this Value or near it, must live by Stealing or Begging, or Starve.

And let it be also considered, that this Stock thus raised and set going maintains it self by a perpetual circulation and vicissitude, without any considerable help by any farther supply, and yet perpetually countervails a Contribution of near four Hundred Pounds *per Annum* for the relief of these fifty six poor Persons.

By all which it will appear, that the advantage of a Stock employed, and once set
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on foot, doth countervail a great Contribution, and indeed greater than can be raised and Yearly continued by most places, and will at least in time render those Yearly constant Contributions lower and less needful.

9. But yet farther, by this means there will be a reasonable Gage set to Wages of Workmen. It is not unknown how that some Covetous Masters in hard times, if they are well stocked and of Abilities, will set on Work many Poor, but they must take such Wages as they are not able to live upon, and that also many times paid in Corn, Wool, Cheese, and other things at rates high enough: And indeed if they will Work upon these terms, they may; but if not, they turn them off, or not imploy them, and thereupon the poor Workmen, not being able to live without Work, and having no place to resort for any, are under a necessity of Working to them at inconsiderable rates. And such Masters make greater advantage by this means when Trade is low, than when it is open. But by this means there would be a refuge for the Poor to be imployed at reasonable Wages; and the reason is evident, because this being but an Expedient, not so much for gain to the Master as for Imployment for the Poor, as long as the Stock makes but good it self, or be managed without considerable loss, it attains its End, and therefore may give competent Wages. But on the other Hand, the Trading-Master looks for his profit, and if his Stock turns not to him for gain, he gives over, or reduceth the Workman to inconsiderable

Wages, that his own gain may be the greater. And although it may be there be some honest minded and Charitable Masters that will be content for some time to imploy their Stock though without gain, yet they are but rare to be found, and such as commonly hold not out long unless they find profit, though perchance they suffer no loss.

These be some of those Considerations that shew the usefulness of this Expedient: I shall now consider some of the *Objections* that may be made against it.

1. *Obj.* It is a great business to raise for the purpose four Years pay at once to make up a Stock, and Yearly Contributions are more easy.

I answer, It is true, and yet the advantage even to the Objecters themselves is even to their sense apparently great: If a Man had a Rent of Inheritance issuing out of his Land, he would not think much of giving sixteen Years purchase to buy it in: And the charge that goes out for the Poor, as it is as much and as certain a Charge as a Rent, so it is evident to us that it hath increased Yearly, and of necessity the longer things are continued in this careless way, it must increase in an Excessive Proportion, and to give four Years purchase to abate it, or if it were but to keep it at a Stay, were good Husbandry.

2. Besides this, let a Man consider what other losses do accrue by the want of a due Provision of Work, and an Industrious Education for

for the Poor, in thieving and stealing, and ending such Malefactors to Goals at the charges of the Parish, in Prosecuting them at Assizes and Sessions, in cutting and destroying of Woods, pulling of Hedges, and trespasses to Corn and Grass thereby, in Almsgiving at the door; these would be, if not altogether prevented, yet, in a great measure, they would, when that most unchristian and indeed inhumane way of Living among most ordinary indigent People is remedied by convenient Employment and Wages.

2. *Obj.* But there are a sort of Idle People, that will rather beg than work, tho' they may be employed, and so that trade of Begging and Idleness would be still continued.

I Answer, 1. That we do surmise a Compulsary Law to inforce Idle Persons to work, which would prevent it. 2. By this means the Benefit of Working would exceed the Benefit of Begging, which would cause Persons to leave it. 3. By the Educating of Children in a way of Industry there would be gradually a Disaccustomedness to that way, which would in time quite remove it. But 4. when Men were once assured by a clear Evidence that the Poor might have Work upon reasonable terms, no Man would give; the Laws against Wanderers that were able to work, and against the relievers of such, would be cheerfully put in Execution, which now Men even upon the account of common Charity cannot bring themselves to.

3. *Obj.* But what considerable advantage would such a Stock as four hundred Pounds do, when perchance in a time of trading four or five thousand Pounds imployed by Masters in a Parish is but enough to set their Poor on Work, where it may be there are two or three hundred Persons that are thus imployed.

I answer, It would be a great help to the Poor in a time of scarcity of VVork, although it should lye still in a time of plenty of Work. The supply of Work, for a Month, or two, or three, in a Year, when Traders for Advantage give over, keeps Industry on the Wheels, and yields a considerable supply. 2. In good times, when there is no need of it, it is as capable of Increase and Improvement, being imployed as private Mens Stocks are, which would enlarge it, or at least enable it to bear some loss in times of lowness of Trade. 3. If once such a Stock were going, it would not only increase by it self, but it would have continual accession by Charitable Gifts, which would do five times the good thus imployed, than imployed as they are in Doles and little yearly Pensions, which consume and come to nothing, but are swallowed up in the present necessity of the Poor, and leave but small signs of advantage behind them: Whereas the following of the Method now propounded, will at least leave the Persons, to whom it is applied, the Advantage of an Industrious Education and Profession, which will abide by them,

4. *Obj.*

4. *Obj.* But Men, that are concerned for their own Benefit in the prosecution of their Trade, as for instance of Cloathing, and consequently more careful than Persons imployed for others, yet do lose by their Trading, and many times impair their Stocks; and therefore this, that cannot be expected to be neither so industriously nor successfully managed, may be in the same condition.

I Answer. 1. in general. In this way there must needs be one of these Events:

1. Either there will be *Gain*, and then it doth improve the Stock, and lays up an Advantage that may compensate a former loss and enable the bearing of a future loss. And I know no reason but that in this management there may be some times at least of Advantage as well as in private Trading. The times are not always at a stand in Trade, but some times, and most ordinarily there is some gains in it, though not so much as at other times; and then the good times make amends for the bad.

2. Or else, though there be *no Gain*, there will be no Loss, but it stands at a stay, and if it doth so this Design attains its End, which is the Imployment of the Poor. Tho' it yields not the Master or Trader any gain, yet it yields the Poor a subsistence in their Wages and Work. It is true a private Tradesman looks to gain so much as may at least maintain himself and his Family. And if he doth not, he gives over his Trading, as not answering

ing his end; and it may be in some cases reasonable to do so: But though here be little or no gain, yet the End is attained, because the Poor are imployed and paid, though the Stock increase not.

3. Or else there *is* Loss. To this I say; 1. If there be Loss, yet it is but gradual, not altogether. Suppose it be twenty, thirty, or forty Pounds in a Year, in a Stock of four hundred Pounds, and by that account, yet this Stock will not be wholly exhausted in five or six Years; and if it should be so, yet the Loss to the Parish would not be more than it would be of its old course of contribution at the heighth that it would have been during the spending of that Stock which is thereby, as before is observed, in a great measure remedied. 2. These decays may possible be repaired by Charitable Gifts and Bequests. 3. But if it were not, yet such gradual decays may be supplied by the Parishes with the same Ease that their Contribution would have been, all things considered, and possibly better times of Trade may happen at least once in two or three Years, which may repair the loss, or at least keep the Stock at its full gage with small helps. 4. But suppose the worst, and that in the Compass of three or four Years the whole Stock were wholly drawn dry; I say confidently, that the Advantage the Country would have by a course of industrious Education of the Poor continued but one three or four Years, will more than countervail the loss of a very considerable Stock, in preventing that Trade of Idleness which

which grows up in Poor Families, which will daily infinitely increase, and will receive a very great check, and possibly such as will for ever prevent the return of such a course of Life by the interruption of a tract of three or four Years of Employment, and will put thousands in that tract of time into a course of trade and livelyhood, which they will carry with them all their lives after. 5. And besides all this, it is not likely the trade will suffer a perpetual interruption, but even while this Stock is in this wane and declination, private Men will be trading, and then in this decay and declination of the Stock (if it should be unsupplied) there will be work at private Hands, and Persons instructed and fitted and able to do it, which may prevent a total interruption of an industrious Education, and may give some intervals of relaxation of the Employment of the common Stock, at least in that fullness as formerly, till it be recruited by new supplies.

6. But yet farther, the Method of the proposed Employment, though it be principally bot-tomed upon the trade of Woollen Cloathing, yet it will have other supplies, as is propounded, as making of Kerseys, Baize, Knitting of Stockings, dressing and ordering of Hemp and Flax, and Spinning and Weaving it. And though there were no other but the Woollen Manufacture, yet if it should please our Superiors to interdict the Wearing of foreign Manufactures, our own consumption at home, and the necessity that they have in foreign parts of our Woollen Manufactures, would double the Trade of Woollen Manufactures.

5. *Obj.* The Poor have Work already if they will work, and the setting up of such a publick Trade will but make Workmen the more independent, and decline the Impoyment of private Traders, which will tend to the decay of Trade.

I Answer. 1. It is true when Trading is quick, possibly they may have Work enough, but upon any check in Trade they are oftentimes turned off, unless they will work at extream low Wages and ill paid. 2. When work is so plenteous at private Hands, there may be an intermission or relaxation of the Imployment of the common Stock: Especially if they can have better Wages at private Hands; for it will be enough for this to be supplemental of the defects of work at others Hands, and it sufficiently attains its End if it may be a refuge at the time of need for those that would work and cannot get it, and an Expedient to enforce those to work, that can and will not.

6. *Objection.* Poor that do their work well, and are honest, and industrious, cannot want work when any is to be had in the Country, and those that are not imployed, are either such as will not work, or cannot tell how to work, or will steal and purloin the Work: These will undo the Work-House.

I answer 1, Some times there are when the honestest Workmen cannot get Work, and this will be a reserve for them. 2. But as for others, here will be an Expedient to teach them to work that cannot, and to compell them

them to work, that can, and to punish them, that are Dishonest in their Work.

3. And if there were no punishment, yet when a Work-House and Stock is once settled, that would be sufficient to make them work: For when every Man were once sure that they that would honestly Work might have it, and reasonable Wages, every Wanderer and Beggar would be esteemed such a person as will not work, or will be dishonest in it, and not fit to be relieved, but the Laws to be severely put in Execution against them.

7. *Obj.* But where shall we have Men that will undertake the imployment, and be faithful and trusty in it?

I answer. 1. There be many poor and honest Men, who for a small Salary and a Room or two to work and lodge in the Work-House, would be fit enough to undertake the Imployment of a Master, and yet he would have no great trust upon him; for the Stock would be lodged in the Hands of the Overseers, and they to deliver it out, and take Weekly or Monthly Accounts: Which Overseers may be substantial Men, and at no great trouble, and eligible either by the Justices of Peace, or Parishioners, yearly, or once in three Years, and their trouble would be no greater than the trouble of Overseers of the Poor, or Churchwardens in any Parish.

And thus I have hastily and cursorily gone through the Methods, Reasons and Objections

tions of this Proposal, which, I am sure, if it can be brought to a due accomplishment, is,

1. A Work of great Humanity, and such as we owe to those of our own Nature as we are Men. The wise God did tell his ancient People, that the Poor should be always among them; which was, 1. To exercise their Liberality and Charity in supplying the wants of some by the abundance of others. And 2. To exercise their discretion and industry, to think of and set on foot such means as might put them in a course of honest Employment, and encourage them in it. They that are Rich are Stewards of their Wealth, and they that are wise are Stewards of their Wisdom, unto that great Master of the Family of Heaven and Earth, to whom they must give an account of both; and one, I am sure, of the best accounts they can give of both, is to imploy them in the Reformation and Relief of those that want both or either. *Am I my Brother's Keeper*, was the answer of one of the worst of Men.

2. A Work that as well becomes a Christian as any, Christianity recommending Charity, as one of the principal Christian Virtues. And indeed the ill Provision for the Poor in *England*, is one of the greatest reproaches to us in relation to our Christian Profession.

3. A Work for a good *English* Man. The want of a due Provision for Education and Relief

Relief of the Poor in a way of Industry, is that which fills the Goals with Malefactors, and fills the Kingdom with idle and unprofitable Persons that consume the Stock of the Kingdom without improving it, and that will daily increase even to a desolation in time. And this Error in the first Concoction, is never remediable but by Gibbets and Whipping. But there must be a sound, prudent and resolved Method for an Industrious Education of the Poor, and that will give better Remedy against these Corruptions than the after-gain of Penalties can.

F I N I S.



